United Nations A/59/439

General Assembly

Distr.: General
21 October 2004
English
Original: English/French/Spanish

**Fifty-ninth session**
Agenda item 18
**Election of judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991**

# Curricula vitae of candidates nominated by States Members of the United Nations

**Note by the Secretary-General**

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# I. Introduction

The Secretary-General has the honour to submit to the General Assembly the curricula vitae of the candidates nominated by States Members of the United Nations for the election of permanent judges of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1 January 1991. The names of the candidates nominated for the election and the voting procedures to be followed in the Assembly are set out in a memorandum by the Secretary-General.

## II. Curricula vitae of candidates

### Carmel A. Agius (Malta)

I. **PERSONAL DATA**

**Name:** AGIUS
**Forename:** Carmel A.
**Date and place of birth:** 18th August, 1945 - Malta
**Nationality:** Maltese

II. **EDUCATION AND ACADEMIC AND OTHER QUALIFICATIONS**

| | |
|---|---|
| 1969 | Doctor of Law (LL.D), University of Malta. |
| 1968 | Diploma, Notary Public, University of Malta. |
| 1964 | Bachelor of Arts (B.A.) in English, Italian and Economics, University of Malta |

III. **PROFESSIONAL ACTIVITIES**

A. **Details of Judicial Activities:**

**(i) Primary Activities**

| | |
|---|---|
| 2003 < | Chairman of the Rules Committee of the International Criminal Tribunal for the Former Yugoslavia, The Hague. |
| 2003 < | Presiding Judge of Trial Chamber II of the International Criminal Tribunal for the Former Yugoslavia, The Hague. |
| 2001 < | Permanent Judge of the International Criminal Tribunal for the Former Yugoslavia, The Hague. |
| 1999 < | Member of the Permanent Court of Arbitration, The Hague. |
| 1995 - 2001 | Acting Chief Justice in the absence of the Chief Justice. |
| 1994 - 2001 | Elected Representative of the Bench of Judges, Constitutional Commission for the Administration of Justice. |
| 1992 - 2001 | Member, Rule Making Board of the Courts of Justice of Malta. |
| 1983 - 2001 | Senior Judge of the Constitutional Court of Malta. |
| 1983 - 2001 | Senior Judge of the Court of Appeal of Malta. |
| 1983 - 2001 | Senior Judge of the Court of Criminal Appeals of Malta. |
| 1982 - 1984 | Presiding Judge of the Criminal Court of Malta. |
| 1982 | Appointed Judge of the Superior Courts of Malta. |
| 1977 -1982 | Presiding Magistrate, Courts of Magistrates, in both criminal and civil cases. |
| 1977 | Appointed Magistrate of the Courts of Magistrates. |

**(ii) Secondary Activities**

| | |
|---|---|
| 2001 | Co-founder and first President of the Association of Maltese Judges and Magistrates. |
| 1998 | Chairman, Commission on the Taking of Children's Evidence. |
| 1996 | Representative of the Maltese Judiciary, 10th Conference of |

| | |
|---|---|
| | European Constitutional Courts, Budapest, presenting two National Reports (vide section VII). |
| 1995 | Representative of the Chief Justice, Sixth Commonwealth Chief Justices Conference, Ottawa. |
| 1995 | Representative of the Court of Appeal, Seventh International Appellate Judges Conference, Ottawa. |
| 1995 | Representative of the Court of Appeal and the Constitutional Court, Fifth Congress of the International Association of Supreme Administrative Jurisdictions, Rome, presented a National Report. |
| 1992 | Key-Note Speaker, Seminar on Sentencing Policy, Malta. |
| 1992 | Representative of the Maltese Judiciary, Seminar on Organized Crime and Methods of Control - Judicial Experience, Centro Internazionale Magistrati Luigi Severini, Perugia, Italy. |
| 1990 -1997 | Representative of the Maltese Judiciary, Meetings of the European Association of Judges, Prague (2000), Porto (1998), Ljubljana (1998), Milano (1997), Bratislava (1996), Vienna (1994), Seville (1992), Crans-Montana (1991), Helsinki (1990). |
| 1990 - 2001 | Founder and Convenor of the Maltese Section of the European Association of Judges. |
| 1990 - 2001 | Member, Board of Examiners of candidates applying for a warrant to practice as Advocate in Malta. |
| 1989 | Participant, Meeting with the Plenum of the European Court of Human Rights as Member of the Constitutional Court of Malta. |
| 1988 - 2001 | Representative of the Maltese Judiciary, Central Council and First Study Commission of the International Association of Judges, Porto (1998), Amsterdam (1996),Tunis (1995), Athens (1994), Seville (1992), Crans-Montana (1991), Helsinki (1990), Berlin (1988) - presented National Reports. At the Berlin meeting, I presented the case of the Maltese judiciary for membership of the International Association of Judges. |
| 1988 - 2001 | Founder and Convenor of the Maltese Section of the International Association of Judges. |
| 1980 - 1982 | Chairman, Board of Special Commissioners for Death and Donation Duty. |

**B. Details of Non-judicial Legal Activities**

| | |
|---|---|
| 2001 | Participant, speaker, Strategy Meeting of the "Task Force" in Support of the Establishment of the International Criminal Court, Ischia, Italy. |
| 2001 | Participant, speaker, Meeting of the Presidents of the Association of Lawyers For the Protection of the Financial Interests of the European Union, Ischia, Italy. |
| 2000 | Guest Speaker on International Humanitarian Law to the International Law Committee of the Philadelphia Bar Association. |
| 2001 | Guest Lecturer on International Human Rights to law students of Rutgers University School of Law at Camden, NJ, U.S.A. |

| | |
|---|---|
| 2000 | Lecturer on Human Rights and the International Criminal Court, Mediterranean Masters in Human Rights and Democratisation, a course for professionals from the Mediterranean and European countries organized by the University of Malta sponsored by the European Union. |
| 2000 | Participant, speaker, International Conference on the Death Penalty, Palermo. |
| 2000 | Participant, paper presenter, European Inter-Governmental Conference on the Rome Statute of the International criminal Court, Rome. |
| 2000 | Deputy Head of the Maltese Delegation, Tenth United Nations Congress on Crime Prevention and the Treatment of Offenders, Vienna. |
| 2000 | Participant, informal inter-sessional meeting of the Preparatory Commission for the International Criminal Court on Definitions of Crimes, Siracusa, Italy. |
| 1999 | Lecturer, Seminar on Legal Prevention and Legal Control of Corruption – International Development Law Institute (IDLI), Rome. |
| 1999 | Conference Organiser and Chairman, 13th International Conference of the International Society for the Reform of Criminal Law on Commercial and Financial Fraud, Malta. |
| 1998 - 2001 | Appointed Representative/Adviser of the Government of Malta to the Preparatory Commission for the International Criminal Court - attended all sessions todate. |
| 1999 | Participant, informal inter-sessional meeting of the Preparatory Commission for the International Criminal Court on Rules of Procedure and Evidence, Siracusa, Italy. |
| 1999 - 2000 | Head of Delegation of the Government of Malta, United Nations Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, Vienna. |
| 1999 | Consultant to the United Nations High Commissioner for Human Rights, Workshop on Human Rights and Criminal Procedure, Kathmandu, Nepal. |
| 1998 | Elected as the first Maltese member of the American Law Institute. |
| 1998 | Acting Head of Delegation and Adviser of the Government of Malta, United Nations Plenipotentiary Conference on the International Criminal Court, Rome. |
| 1998 | Participant, 12th International Conference of the Society for the Reform of Criminal Law, Bridgetown, Barbados. |
| 1998 | Participant, Council of Europe XIII Colloquy on Legal Data Processing, Vienna. |
| 1998 | Participant, Paper Presenter, 42nd ICAA International Institute on the Prevention and Treatment of Dependencies, Malta. |
| 1997 | Nominated as the Government of Malta's second preferred candidate for the election of judge of the new European Court of Human Rights. |

| | |
|---|---|
| 1997 - 1998 | Appointed Representative of the Government of Malta to the United Nations Preparatory Committee on the proposed Permanent International Criminal Court - attended the meetings of the Committee held in December 1997 and March 1998. |
| 1997 | Participant, Informal Inter-sessional meeting of Experts on the International Criminal Court on "International Cooperation", Siracusa, Sicily. |
| 1997 | Participant, Seminar on Paedophilia, International Institute of Higher Studies in Criminal Sciences (ISISC), Siracusa, Sicily. |
| 1997 | Representative of the European Association of Judges, XXVIIth Council of Europe Colloquy on European Law on Legal Problems Relating to Parentage, Malta. |
| 1997 | Paper Presenter, International Conference for the Establishment of a Permanent International Criminal Court sponsored by No Peace Without Justice International Campaign for the Establishment of an International Criminal Court by the year 1998 and the Government of Malta, Malta . |
| 1997 | Coordinator and Key-Note Speaker, International Conference on Probation, United Nations Inter-regional Crime Research Institute (UNICRI), the Commonwealth Secretariat and the University of Malta, Malta |
| 1997 | Elected Member, Board of Directors of the International Society for the Reform of Criminal Law. |
| 1997 | Session Chairman, 10th Anniversary Conference of the International Society for the Reform of Criminal Law, London. |
| 1996 | Representative of the Maltese Judiciary, Commonwealth Law Conference, Vancouver. |
| 1996 | Participant, XXVIth Colloquy on European Law, Council of Europe, Stockholm. |
| 1996 | Participant, 10th International Conference of the Society for the Reform of Criminal Law, Whistler, British Columbia, Canada. |
| 1996 | Participant, Seminar on Child Abuse, International Institute of Higher Studies in Criminal Sciences (ISISC), Noto, Sicily. |
| 1995 | Deputy Head of the Maltese Delegation, Ninth United Nations Congress on Crime Prevention and the Treatment of Offenders, Cairo. |
| 1995 | Participant, Seminar on Introduction to the Law of the European Community, European Institute of Public Administration, Luxembourg. |
| 1995 | Coordinator and Key-Note Speaker, Seminar on Crime and Criminal Justice in the Mediterranean Area: Promotion of Informed Decision-making and International Cooperation, United Nations Inter-regional Crime Research Institute (UNICRI) and the Centre for Criminology of the University of Malta, Malta. |
| 1994 | Head of Delegation, Second Meeting of the Mediterranean Group on Crime Prevention, Malta. |
| 1994 - 2000 | Head of Delegation, Annual Meetings of the Committee of Experts on Legal Data Processing, Council of Europe, |

| | |
|---|---|
| | Strasbourg. |
| 1993 | Academic Coordinator, Key-Note Speaker and Session Chairman, International Conference on Cross-Border Crime - International Cooperation in a Euro-Mediterranean Perspective, United Nations Inter-Regional Crime Research Institute UNICRI), Malta. |
| 1993 | Participant, Seminar on Mass Media, Justice and Criminality, International Institute of Higher Studies in Criminal Sciences (ISISC), Noto, Sicily. |
| 1993 | Participant, Fifth International Congress on Legal Data Processing, Italian Supreme Court, Rome. |
| 1992 -2000 | Head of Maltese Delegation, all nine Annual Meetings of the United Nations Commission on Crime Prevention and Criminal Justice, Vienna. |
| 1992 | Appointed Permanent Representative of the Government of Malta to the United Nations Commission on Crime Prevention and Criminal Justice. |
| 1992 | Paper Presenter, Interim Roundtable Meeting of the Research Committee on Comparative Judicial Studies of the International Political Science Association, Forli', Italy. |
| 1992 | Chairman, Board of Examiners of candidates applying for the warrant of Notary Public. |
| 1991 | Head of the Maltese Delegation, First Meeting of the United Nations Inter-Ministerial Working Group on Crime Prevention and Criminal Justice, Vienna. |
| 1991 | Session Chairman, Seminar on Mental Disorder and Crime, Institut Philippe Pinel of the University of Montreal, Castelvecchio Pascoli, Italy. |
| 1990 | Head of Maltese Delegation, Eighth United Nations Congress on Crime Prevention and the Treatment of Offenders, Havana. |
| 1990 | Key-Note Speaker, International Seminar on Cross-Examination Techniques, Criminal Bar Associations of Bari and Brindisi, Selva di Fasano, Italy. |
| 1988 | Participant, Fourth International Congress on Legal Data Processing, Italian Supreme Court, Rome. |
| 1987 - 2000 | Chairman, Committee on Legal Data Processing of the Maltese Law Courts. |
| 1985 | Head of Maltese Delegation, Seventh United Nations Congress on Crime Prevention and the Treatment of Offenders, Milano. |
| 1985 | Key-Note Speaker, Forum on the Confidentiality of Records, Extended Studies Board, University of Malta. |
| 1984 | Key-Note Speaker, Forum on Legal Aspects of Drug Addiction and Control, Extended Studies Board, University of Malta. |
| 1970 - 1977 | Private practice as Advocate in Malta. |

**C. Other Professional and Academic Activities**

| | |
|---|---|
| 2000 - 2001 | President, Maltese Association of Lawyers for the Protection of the Financial Interests of the European Union. |
| 1998 < | Member of the Editorial Board of the Mediterranean Journal of Human Rights published by the Foundation for International Studies and the Faculty of Law of the University of Malta. |
| 1996 - 1999 | Pro-Chancellor of the University of Malta and President of the University Council. |
| 1996 - 1999 | Member of the Board of Directors of the Foundation for International Studies, Malta. |
| 1996 < | Occasional Lecturer on Due Process, Human Rights and related procedure, Faculty of Law, University of Malta. |
| 1996 | Part-time Lecturer, "Comparative Correctional Law", Diploma in Correctional Studies, Centre for Criminology, University of Malta. |
| 1995 | Participant, Annual Meeting of the American Society of Criminologists (ASC), Boston. |
| 1994 | Guest Lecturer, "The Humanisation of Public International Law", Mediterranean Academy of Diplomatic Studies, University of Malta. |
| 1994 | Paper Presenter, "Some Comments on the International Law Commission's 1991 Draft Code of Crimes Against the Peace and Security of Mankind", International Conference on Cross-Border Crime - International Cooperation, UNICRI, Malta in a Euro-Mediterranean Perspective. |
| 1992 -1993 | Guest Lecturer, "The Status of the Individual under Public International Law", Academy of Diplomatic Studies, University of Malta. |
| 1992 - 2000 | Representative of the Ministry of Justice, Board of Institute of Forensic Studies, University of Malta. |
| 1992 - 2000 | Consultant, University of Malta on matters relating to the teaching of Criminology. |
| 1992 - 1999 | Part-time Lecturer in Criminology, University of Malta. |
| 1991 | Lecturer, Training Course on Human Rights and Crime Prevention for Police and Army Officers, U.N. Centre for Human Rights, U.N. Crime Prevention and Criminal Justice Branch, U.N. Inter-Regional Crime Research Institute UNICRI) and the Foundation for International Studies of the University of Malta. |
| 1979 < | External Examiner in Public International Law, Constitutional Law, Criminal Law and Criminal Procedure and Forensic Medicine, Faculty of Law, University of Malta. |

## IV. PUBLIC ACTIVITIES

| | |
|---|---|
| 1977 - 2000 | Chairman of several Public Boards of Inquiry set up by the various successive Governments under the Inquiries Act, 1977 to investigate alleged irregularities in public affairs. |
| 1977 -1980 | Chairman of the Public Transport Labour Board. |

## V. OTHER ACTIVITIES

| | |
|---|---|
| 1968 -1969 | President, Students Representative Council, University of Malta. |
| 1964 -1968 | Secretary General, Students Representative Council, University of Malta. |

## VI. PUBLICATIONS AND OTHER WORKS

### A. Published Articles

| | |
|---|---|
| 2001 | "Ratification and Implementation of the Rome Statute – Malta's Approach, European Inter-Governmental Conference on the Rome Statute of the International Criminal Court, Rome - printed in European Conference on the Rome Statute of the ICC, 2001, published by No Peace Without Justice. |
| 1999 | "Giovanni Elio Longo - Personal Reminiscenses" printed in Judicial Independence Today - Liber Amicorum in honour of the Hon Mr Justice Giovanni E.Longo, (1999) Giuffre Editore, ISBN 88-14-07562-X. |
| 1998 | "For an Effective International Law: From the Preparatory Committee to the Diplomatic Conference for the Establishment of an International Criminal Court - The Commitment of the International Community", with Professor David Attard, presented at the International Conference for the Establishment of a Permanent International Criminal Court, Malta (June, 1997) as part of the No Peace Without Justice International Campaign for the Establishment of an International Criminal Court by the year 1998, Malta. Printed in Towards the Establishment of a Permanent International Criminal Court, Mediterranean Journal of Human Rights, Vol 2, No.1, 1998, Foundation for International Studies, Malta, - ISSN 1027-4375 |
| 1997 | "Report of the Maltese Constitutional Court on Freedom of Expression with Special Regard to Mass Media Regulations in the Jurisprudence of the Constitutional Court", prepared for the 10th Conference of European Constitutional Courts, Budapest (1996). Printed in Freedom of Expression in the Jurisprudence of Constitutional Courts - National Reports, Volume II. Ed. Peter Paczolay and Botond Bitskey, Hungarian Constitutional Court, Budapest - ISBN 963 04 7288 2 (Collection), ISBN 963 04 7290 2 (Second Volume). |

1997 "Report of the Maltese Constitutional Court on the Notion of Separation of Powers Regarding the Constitutional Court's Jurisdiction in Malta", prepared for the 10th Conference of European Constitutional Courts, Budapest (1996). Printed in Separation of Powers in the Jurisprudence of Constitutional Courts - National Reports, Volume III. Ed. Peter Paczolay and Botond Bitskey, Hungarian Constitutional Court, Budapest - ISBN 963 04 7288 2 (Collection), ISBN 963 04 7291 0 (Third Volume).

1995 "The Judiciary and Politics in Malta" - with Professor Nancy Grosselfinger, presented at the Interim Roundtable Meeting of the Research Committee on Comparative Judicial Studies, International Political Science Association, Forli', Italy (1992). Printed in The Global Expansion of Judicial Power. Ed. C.Neal Tate and Torbjorn Vallinder, New York University Press - ISBN 0-8147-8209-4

1995 Criminal Justice Policies in Malta - Malta's National Report for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offender, Cairo (1995), Government Printing Press, Malta.

1993 "Significant Landmarks in the History of the Development of Human Rights and Fundamental Freedoms in Malta" - Printed in Human Rights and Crime Prevention, U.N.I.C.R.I., Rome - ISBN 99909-952-2-2).

1992 "The Protection of Judges from External Political, Economical and Social Influences and from Violence - The Malta Experience" - Meeting of the First Study Commission of the International Association of Judges, Helsinki, (1990). Printed in The 33rd Meeting of the International Association of Judges - National Reports. Ed. Hannu Kiuru, Finnish Association of Judges, Helsinki.

1990 Criminal Justice in Malta - Malta's National Report for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offender, Havana (1990) - Government Printing Press, Malta.

**B. Works in Progress**

"The Right to a Fair Hearing in the Practice of the ICTY" - intended for publication by the Mediterranean Journal of Human Rights.

**C. Other Works**

1999 "Maltese Law and Commercial Fraud", 13th International Conference of the International Society for the Reform of Criminal Law on Commercial and Financial Fraud, Malta.

1998 "Drug Abuse, Criminal Behaviour and Punishment: Balancing

Punishment, Deterrence and Societal Reintegration", Malta

1996 "Limitations in the Protection of Human Rights in Malta", with Professor Nancy Grosselfinger, Interim Roundtable Meeting of the Research Committee on Comparative Judicial Studies of the International Political Science Association, Sherbrooke, Canada.

1994 "The Administration of the Judiciary in Malta ", Meeting of the First Study Commission of the International Association of Judges, Athens.

1994 "The Judiciary and Political Corruption in Malta" - with Professor Nancy Grosselfinger, Interim Roundtable Meeting of the Research Committee on Comparative Judicial Studies of the International Political Science Association, Florence.

1992 "La Donna Nelle Attivita' Intellettuali" - Keynote speech at the 38th Seminar of the Centro Internazionale Magistrati Luigi Severini, Perugia.

1992 "The Rationale of Judicial Decisions in Civil Cases under the Maltese System", First Study Commission of the International Association of Judges Meeting, Seville.

1991 "Methods of Elaboration of Judicial Decisions in Malta" - Meeting of the First Study Commission of the International Association of Judges, Crans-Montana.

1990 "The Art of Cross-Examination in Criminal Proceedings in Malta" - International Seminar on Cross-Examination Techniques, Selva di Fasano.

## VII. LANGUAGES

**A. Mother tongue:**

**Maltese** - Fluent in reading, writing and speaking;

**B. Other languages:**

**English** - Fluent in reading, writing and speaking;
**Italian** - Fluent in reading, writing and speaking;
**French** - Working knowledge in reading, beginner in speaking and writing but can generally follow a conversation.
**Spanish** -Working knowledge in reading and speaking, beginner in writing but can generally follow a conversation.

## VIII. OTHER RELEVANT INFORMATION

**A. Scholarships, Honours and Grants.**

2000 (CIES) Fulbright Scholar Research Grant held at Rutgers University School of Law at Camden, NJ, U.S.A.

1999 Medal Award for service rendered to the International Society for the Reform of Criminal Law.

1993 Invitee, Professor M.Cherif Bassiouni, De Paul University,

Human Rights Law Institute, Chicago, to deliver a set of two lectures being a comparative review of the jurisprudence of the European Court of Human Rights with that of Constitutional Court of Malta and the Supreme Court of the United States on Freedom of Expression.

1992 Invitee, Professor Walter M.Murphy, McCormick Professor of Jurisprudence, Department of Politics, Princeton University, New Jersey, to give a talk on Judicial Review in Malta to the Colloquium on Constitutionalism.

1988 U.S. Information Agency, Visitors' Program, to study the legal data processing system operative in several U.S. courts and law offices and meet with members of the judiciary.

1988 Private meeting with Chief Justice Emeritus Warren Burger of the U.S. Supreme Court.

1988 Grantee, British Government, Visitors' Programme, to study the legal data processing systems operative in courts in the London district.

1980 Scholarship, U.S. Information Agency, Salzburg Seminar, American Legal Studies - Constitutional Law - Salzburg.

1969 Grantee, British Council, to carry out post- graduate research work on Constitutional and Administrative Law at the University of London.

1964 Bursary, Italian Government, to enhance knowledge of Italian at the Universita' del Sacro Cuore in Rome, Italy.

**B. Additional Personal Data.**

**Civil Status:** Married with two daughters aged 28 and 25 respectively.

**Office Address:** Judges Chambers,
I.C.T.Y.
Churchillplein 1,
2517 JW - The Hague
Netherlands.

**Home Address:** "Madaros",
Dun Manwel Zammit Street,
Siggiewi - QRM 12
Malta.

Zwolsestraat 1H
2587 TX - The Hague
Netherlands

**E-mail Address:** agiusc@un.org

**Telephone/Fax:**

Netherlands: Chambers - (++31) 70 512 8625
Residence - (++31) 70 350 8892
Mobile - (++31) 6 512 71443

Malta: Residence - (++356) 21 467771
Mobile - (++356) 99421327

[Original: French]

## Jean-Claude Antonetti (France)

Born on 13 July 1962 in Pau, France

Married, with two children

Wife holds the agrégation on mathematics, and teaches at the Lycée Chaptal in Paris

Address: 15 rue Moncey, 75009 Paris

Telephone: 01 42 80 09 54

**Qualifications**

- Licence d'histoire géographie (bachelor's degree in history and geography)
- Maîtrise de sciences politiques (master's degree in political sciences)
- Auditeur de justice (magistrate-in-training) at the National School for Magistrates
- Attended the thirty-seventh national session of the Institute of Higher Studies in National Defence

| | |
|---|---|
| 1 November 1964-1 January 1973: | Primary schoolteacher in Seine-Saint-Denis and Paris |
| 1 January 1973-1 February 1977: | Attaché in the central administration of the Ministry of the Interior (Paris prefecture) |
| 21 January 1977: | Deputy Government Procurator at the Court of Major Jurisdiction in Evry |
| 20 December 1979: | Magistrate in the central administration of the Ministry of Justice |
| | - Assigned to the Detention Office in the Prison Service Directorate |
| | - Chef de cabinet of the Director of the Prison Service (Messrs. Dublanc and Zakine) |
| | - Chef de cabinet of the Director of Civil Affairs and Justice (Mr. Denoix de Saint-Marc) |
| | - Assigned to the International Law Office of the Civil Affairs and Justice Directorate |
| 1 October 1982: | Chief of the Foreign Legislation Service of the Ministry of Justice |
| 1983-1984: | Rapporteur of the Commission of Appeal in Refugee Matters |

| | |
|---|---|
| 1984-1 October 1986: | Legal adviser in the Office of the General Secretary of the Inter-ministerial Committee for European Economic Cooperation Affairs (Ms. Elisabeth Guigou) |
| 1 October 1986: | Special adviser in the Office of the Minister of Justice (Mr. Albin Chalandon) and Chief of the Communication Service of the Ministry of Justice |
| 8 September 1987: | Government Procurator at the Court of Major Jurisdiction in Senlis |
| 21 October 1991: | Vice-President of the Court of Major Jurisdiction in Paris |
| 9 June 1995: | Technical adviser on justice and human rights in the Office of the Prime Minister (Mr. Alain Juppé) |
| 1 April 1998: | Technical adviser on justice in the Office of the President of the Republic (Mr. Jacques Chirac) |
| 4 July 2002: | Divisional President at the Court of Appeal in Paris |
| 1 October 2003: | Permanent judge, International Tribunal for the Former Yugoslavia |

**Decorations**

Penitentiary Medal

Judicial Protection of Youth Medal

Order of Merit

**International activities**

| | |
|---|---|
| 1980: | Mission to study juvenile delinquency in Quebec (French Quebec Office for Youth) |
| 1981: | Mission to study the American prison system (United States of America and Canada) |
| 1982: | Chief of the Foreign Legislation Service of the Ministry of Justice |
| 1983: | Member of the French delegation to the conference of the International Institute for the Unification of Private Law (UNIDROIT) on commercial representation, held in Geneva |
| 1983-1984: | Magistrate in the International Law Office of the Ministry of Justice, responsible for: |

- Following international cases (private international law and public international law)
- European Court of Human Rights

1984-1986: Legal adviser in the Office of the General Secretary of the Inter-ministerial Committee for European Economic Cooperation Affairs, responsible for:

- Following European cases (European Council, Justice and Home Affairs Council)
- Directing the legal team working on the revision of the Treaty of Rome (Single European Act)
- Preparing French statements of cases before the Court of Justice of the European Communities in Luxembourg

1986-1987: Special adviser in the Office of the Minister of Justice, responsible for following international cases

1987-1991: Hearing terrorism cases (Irish Republican Army, Iranians, Kurds)

May 1994: United Nations electoral observer in El Salvador

1996-1997: Office of the Prime Minister, responsible for following legal cases with an international element:

- Extraditions
- International mutual assistance in judicial matters
- Despoilment of Jewish property
- Russian loans
- Terrorism

Since 1998: Office of the President of the Republic, responsible for following national and international legal cases

**Foreign languages**

Spanish, English

**Iain Bonomy (United Kingdom of Great Britain and Northern Ireland)**

Iain Bonomy; born Motherwell, Scotland: 15/01/1946; British citizen.
Judge of the International Criminal Tribunal for the former Yugoslavia.

Dalziel High School, Motherwell [1958-1964].
University of Glasgow, LL.B. [Hons] [1964-1968].

Apprentice Solicitor, East Kilbride Town Council [1968-1970].
Partner, Ballantyne & Copland, Solicitors, Motherwell, Glasgow, etc [1971-1983].
Advocate [1984-1993].
Queen's Counsel [1993].
Advocate Depute [1990-1996].
Home Advocate Depute [1993-1996].

Senior Counsel to the Dunblane Inquiry (into the shooting of a number of young schoolchildren and their teacher) [1996].

Senator of the College of Justice [Judge in the Court of Session and the High Court of Justiciary, the highest courts within Scotland] [1997-2004].

Judge of the International Criminal Tribunal for the former Yugoslavia. [June 2004- ].

As an Advocate Depute, Iain Bonomy QC was one of a team of Crown counsel prosecuting exclusively in the High Court of Justiciary. As Home Advocate Depute, he was leader of that team. His functions included evaluating the evidence gathered alleging the commission of war crimes by residents of Scotland. At that time an Advocate Depute committed about 75% of his working time to Crown Office (the national prosecuting authority in Scotland). Throughout his time in Crown Office, he was involved in the preparation and presentation of the most serious criminal cases, including murder, serious contraventions of the Misuse of Drugs Act and conspiracies, and represented the Crown in criminal appeals.

As a judge of the highest courts within Scotland between January 1997 and May 2004, Lord Bonomy sat regularly in civil and criminal cases at first instance, and from time to time in civil and criminal appeals. During this period, about 70% of his time was spent on first instance crime. The principal criterion for prosecuting a case in the High Court of Justiciary was the prospect that, in the event of conviction, the sentence imposed would exceed 3 years' imprisonment.

Lord Bonomy is the author of "Improving Practice - The 2002 Review of the Practice and Procedure of the High Court of Justiciary". This report is currently being implemented through legislation in the Scottish Parliament. The report and the legislation involve a thorough review of all aspects of procedure in the prosecution of serious criminal offences.

Lord Bonomy is a regular contributor to Conferences on International Child Abduction and to Judicial Seminars on the Role of the Judge at the Deutsche Richterakademie.

**Liu Daqun (China)**

Churchillplein 1, 2517 JW,
P. O. Box 13888, EW
Tel: 0031 70 512 5089
Fax: 0031 70 512 5252
Email: Liu. ICTY@un.org
The Hague Netherlands

***Date of Birth and Place***: Shandong China, 20 September 1950.

***Education***:
B.A., English Department, Beijing Foreign Language University (1977);
Law Certificate of International Law, China Foreign Affairs University, Beijing, (1978);
M.A. International Law and International Relations, Fletcher School of Law and Diplomacy, Tufts University, U.S.A. (1986);

***Professional Experience:***

Presiding Judge of the Trail Chamber I, United Nations International Criminal Tribunal for the Former Yugoslavia, (Since 2001);

Judge Re-elected by the General Assembly in 2001;

Judge of the ICTY appointed by the Secretary General of the UN in 2000;

Ambassador of the People's Republic of China to Jamaica, (1999-2000);

Permanent Representative of People's Republic of China to the International Seabed Authority, (1999-2000);

Deputy Director-General, Treaty and Law Department of the Chinese Foreign Affairs Ministry, (1993-1999);

Director of International Law Division, Treaty and Law Department, Foreign Affairs Ministry, (1991-1993);

Director of the Law of the Sea Division, Treaty and Law Department, Foreign Affairs Ministry, (1988-1991);

Director of Private International Law Division, Treaty and Law Department, Foreign Affairs Ministry, (1982-1988);

Short Time Associate in a Law Firm in Washington D.C. (Pillsbury, Madison and Sutro, 1986-1987);

Legal Officer in the Chinese Embassy in Iceland, (1978-1982);

***Teaching experience:***

Professor of International Law of

China University of Political Science and Law (since 1994);

Law School of Wuhan University (since 1997);

Law School of Huazhong University of Science and Technology (since 2000);

China Foreign Affairs University, Beijing, China (since 2000);

Visiting Professor of the Law School of the Renmin University of China (since 2003);

Executive Member of Chinese Society of International Law (since 1982);

Executive Member of Chinese Society of Environmental Law (since 1988);

Executive Member of China Society for the Law of the Sea (since 1990);

***Lectures:***

Lecture on International Human Rights Law, Law Department, Renmin University of China (1989);

Lecture on International Environmental Law, Environment Center, Wuhan University(1990);

Lecture on the Law of the Sea, Institute of Chinese Academy of Social Sciences(1992-1995);

Lecture on the Establishment of the International Criminal Court, Beijing University (1997-1998);

Lecture on International Criminal Law, Law School of Renmin University of China (2002-2004);

Lecture on Jurisprudence of International Criminal Tribunal, Law School of Hong Kong University (2002).

***Seminars:***

The Progressive Development of International Law (1990), Chinese Society of International Law, Beijing, China;

Legal Concept of Common Heritage of Mankind (1992), Jamaican Government, Montegobay, Jamaica;

New Development of International Environmental Law (1993), UNEP, Nairobi, Kenya;

The Legal Status of Refugees (1996), AALCC, New Delhi, India;

Universal Jurisdiction (2000), Chinese Society of International Law, Wuhan, China;

Rome Statute and China's Legislation (2001), Renmin University of China, Beijing, China;

Criminal Procedural Law in International Tribunals (2001), Tsinghua University, Beijing, China;

New Development of International Criminal Law (2002), Hong Kong University,

Hong Kong, China;

Trials and Tribulations of International Criminal Courts and Tribunals (2003), Europe University, Florence, Italy;

International Criminal Court and China (2003), Chinese Society of International Law, Beijing, China.

***Editors:***

Members of Board of Editors: Journal of International Criminal Justice (since 2002);

Members of Honorary Editors: Chinese Journal of International Law (since 2003).

***International activities:***

A Delegate, Legal Advisor of the Chinese Delegation to:

UNGA: Meetings of the 6th Committee of the United Nations (1986, 1989, 1993 and 1995);

Hague Conference on the Private International Law (1987 and 1996)

Diplomatic Conference on United Nations Convention on Illicit Traffic of Drugs and Narcotic Substance (1998);

Asia and Africa Legal Consultative Committee Conference (1984, 1987, 1989, 1990 and 1996);

Conferences of United Nations Climate Change Convention (1993, 1994 and 1995);

Conferences on Biodiversity Convention (1993);

Conferences on Desertification Convention (1994);

Conference on the Law of the Sea Convention (1990, 1994, 1997, 1999);

Deputy Head and Chief Negotiator of the Chinese Delegation to Rome Conference on the Establishment of the International Criminal Court (1998).

***Principal Publications:***

***Books:***

The Law of International Organizations
Beijing University Press (1995)

New Spheres of International Law
Chinese Academy of Social Science Publishing House (1997)

Commentary on the Charter of the United Nations
Educational Publishing House of Shanxi Province (1999)

China's Encyclopedia, 2004

On International Crimes
Law Press China, (to be published in 2005)

Commentary on the Rome Statute of the International Criminal Court
Law Press China, (to be published in 2005)

*Articles:*
The Contributions and Roles of the Asian African Legal Consultative Committee to the Progressive Development of International Law
"International Studies", Vol. 2, 1987

On the Subject of Extradition
"Chinese Journal of Law", Vol.1, 1989

The New Development of International Environmental Legislation
"Legal Science Monthly", Vol.2, 1990

On the Amendments on the Montreal Protocol on the Depletion of Ozone Layers
"China's Environment Science", Vol. 1, 1990

China and International Environmental Legislation
"China's Environment Science", Vol. 3, 1990

The New Trend of the International Environmental Law
"China's Law Review", Vol. 3, 1991

The Basis Principles of International Environmental Law
"Wuhan University Journal", Vol. 2, 1991

On International Fauna and Flora Protection Law
"Chinese Yearbook of International Law", 1991

The Voting Procedure of the Security Council of the United Nations
"Chinese Journal of Law", Vol.2, 1992

United Nations and Regional Organizations
"Chinese Yearbook of International Law", 1993

On the Reform of the United Nations
"Chinese Yearbook of International Law", 1995

Commentary on United Nations Convention on Climate Change
"Chinese Yearbook of International Law", 1995

On the Establishment of an International Criminal Court
"Chinese Yearbook of International Law", 1997

On the Procedure of Indictment by the Prosecutor in the Proposed International Criminal Court
"Chinese Journal of Law", Vol. 3, 1998

On Genocide
"Wuhan University Journal", Vol.4, 2000

The Development of the International Criminal Law at the Conjunction of the Century
"Jurists Review", Vol. 2, 2000

The Role of the Judges in the International Criminal Tribunals
"Jurists Review", Vol. 3, 2001

The Notion of Crimes against Humanity
"Criminal Law Review", Beijing University, Vol.3, 2002

Defence before an International Criminal Tribunal
"Law Application", Vol.4, 2003

The Plea Agreement in the International Criminal Tribunals
"Criminal Law Review", Vol. 4, 2003

On the Crime of Aggression
"Criminal Law Review, Beijing University, (to be published)

## Mohamed Amin El-Abbassi El Mahdi (Egypt)

Date and place of birth: 24 November 1936, Cairo.

### Professional career

Decorated the "*Ordre de la République de première classe*" July 2001.

Permanent Judge at the ICTY since November 2001, Trial Chamber I.

Member of the Rules Committee of the Tribunal.

President of the Conseil d'État since July 2000 and Head of the Supreme Administrative Court.

President of the Section of Legislation at the Conseil d'État (entrusted with the revision of all project of laws and regulations before their introduction to the People's Assembly) 1998.

Head of the Second and Third Commissions of the *Section d'avis* of the Conseil d'État.

Member of several sections of the Conseil d'État since 1956.

President of the Administrative Court and Head of the First Section of the Court, 1989.

Member of the Administrative Court and of the Supreme Administrative Court, 1979-1991.

Member of the Board of the Faculty of Law, Cairo University.

Member of the Board of the Faculty of Law, Ain Shams University.

Visiting Professor at the Faculty of Law, Cairo University.

Entrusted with a mission to the State of Kuwait as Constitutional Expert to the Head of the State 1994-1997.

### Academic qualifications

Advanced studies diploma-postgraduate (D.E.S) in Public Law from the Faculty of Law, University of Paris II, 1971.

Certificate of the École Nationale d'Administration (ENA) at Paris, 1967.

Postgraduate studies in Political Economy (*Diplôme d'Economie Politique*) 1958.

Postgraduate studies in Public Law (*Diplôme de Droit Public*) 1957.

Graduated from the Faculty of Law in 1956, Cairo University, with honours degree.

## Missions and publications

### Missions

Participated in an international conference organised by the ICRC in Cairo, April 2003 about the elaboration of the provisions of common article (1) of the Geneva Conventions.

Presented a study about the "International and non international armed conflicts" at the international conference held by the ICRC in Damascus December 2003 – and lectured on the Jurisprudence of the Tribunal at a conference organized by the ICRC in Lebanon April 2004.

Arbitrator to several arbitrations; under the auspices of the International Centre for Settlement of Investment Disputes (his dissenting opinion in the case *Southern Pacific Properties (Middle East) Ltd. v. Arab Republic of Egypt* is published in *ICSID Review* vol. 8, No. 2, fall 1993, pp. 400-494), and under the auspices of the Regional Centre for Settlement of Commercial Disputes, Cairo.

Member of the Egyptian defence team before the Arbitration Court in Geneva concerning the dispute between Egypt and Israel over the exact location of certain boundary pillars and concerning the Taba area.

Member of the "Egyptian Underground Authority" defence team before the ICC arbitral tribunal concerning the dispute over the construction of the first underground line in Cairo.

Member of the observer team designated by the International Organization of la Francophonie for the supervision of elections, e.g., in Seychelles and Haiti.

Panicipant in several workshops organized by the International Organization of la Francophonie, on the theme "Law and Democracy".

Participant in two round tables under the auspices of the Ford Foundation for social and economic development (Lebanon, 1968-1970).

During the course of his professional career, consultant to different Egyptian ministries and agencies, inter alia: Ministry of Justice, Ministry of Foreign Affairs and Ministry of Finance; also to the Investment Authority and the Central Agency for Administration and Organization.

### Publications

Studies in Arabic concerning International humanitarian law presented at the Cairo Conference held in November 1999 to celebrate the fiftieth anniversary of the four Geneva Conventions of 1949 concerning international humanitarian law, and at the conference held in Cairo in October 2000 on national measures necessary for the implementation of the rules of the Geneva Conventions and the two Additional Protocols of 1977.

"Le rôle du juge civil dans l'administration de la preuve", paper presented at the meeting of the Institut International de droit d'Expression Française, Brussels, 1984.

"Le rôle du juge administratif dans la protection des droits et des libertés publics", published in a special edition to celebrate the fiftieth anniversary of the establishment of the Egyptian Conseil d'État.

"L'exécutif et l'armée en Amerique-Latine" *Review* of the Conseil d'État, 1976.

"L'Agence Centrale d'organisation et d'administration en Egypte", paper presented at the round table in Lebanon, 1970.

"Le régime des organisations publiques en Egypte" paper presented at the round table in Lebanon, 1968.

"Le principe de l'égalité en Egypte dans la constitution et d'après la jurisprudence du Conseil d'État", paper published in *Le juge de l'Administration et des droits fondamentaux dans l'espace francophone*".

"Le rôle du Conseil d'État dans la création du droit administratif", in press at the International Organization of la Francophonie.

**Elhagi Abdulkader Emberesh (Libyan Arab Jamahiriya)**

| | |
|---|---|
| Name: | Dr. ELHAGI ABDULKADER EMBERESH |
| Date & Place of birth: | Surman, Libya, 1947 |
| Nationality: | Libyan |
| Social Status: | Married |
| CURRENT POSITION: | Chief Judge of Tripoli Court of Appeals |
| LANGUAGES: | *Arabic *English |

ACADEMIC STUDIES:

June 1971: Dr. Emberesh earned his Bachelor's degree in Law from the Law School of the Libyan University.

October 1971: Dr. Emberesh was appointed as Assistant Prosecutor at the Ministry of Justice and gained valuable experience in prosecuting an array of criminal cases, including petty crimes, serious felonies such as murder and other violent crimes, crimes against the sanctity of the family and crimes relating to human rights.

1974: Dr. Emberesh studied at the Law School "Biscaynne Provinces" in France. He earned a diploma of higher studies in common law and studied international, constitutional and administrative law and other subjects of common law. Subjects of interest icluded human rights and immigration of intellectuals and laborers and the problems they pose to international law. He also presented a 190 page thesis entitled "Disciplinary Crimes" which consisted of a comparative study between a penal crime and a disciplinary crime under the French and Libyan Laws. Dr. Emberesh earned his diploma upon presenting this thesis.

1976: Dr. Emberesh resumed work within the legal system in Libya, mainly prosecuting penal crimes, including those committed against human rights and by organized criminals against individuals or the security of the state.

Summer 1983: Dr. Emberesh joined "Salford University", in the United Kingdom. His studies focused on international law, and international

organizations, the United Nations in general, and the Security Council and its role in maintaining international peace and security.

* In addition to the subjects mentioned, Dr. Emberesh presented a 190 page research paper on international organizations, with special reference to the League of Arab States. Among the subjects studied at Salford University were international economy and its problems, international trade and its theories, the international monetary system and the causes of its oscillation, and how states should react to inflation in such cases. Dr. Emberesh also studied political science and international relations, and how states act according to their national interests. Further, he studied geography with a special emphasis on the uses of satellites to obtain data, and the problems they create to international law, particularly when dealing with gathering military information and making discoveries of underground or underwater natural resources.

* Dr. Emberesh passed his Master's Degree examination and received his Master's Degree upon presentation of a series of mini researches and studies to "Salford University" in addition to the aforementioned main research which he conducted.

1991: Dr. Emberesh earned his Doctorate Degree at the Law School at "Liverpool University". He completed his 510 page research paper on timely basis, while commuting between Liverpool and London where he used to frequent the Institute of High Legal Studies at the University of London. His Doctorate paper subject was the "Gulf of Sirt in International Law". This enabled him to view numerous international conventions and agreements, as well as specialized studies and researches in the field of international law.

* By an invitation from the University of London, he attended and was an active participant at an economic and legal seminar held at the University in Malta with the cooperation of the Libyan University.

* In 1991, after earning his Doctorate Degree, Dr. Emberesh returned to Libya to resume his duties in the legal field, this time with the rank of Chief Judge of an Appeals Court. During this period he worked as a General Counsel in the Tripoli Appeals Court to supervise all the criminal cases and participate in court's matters relating to major criminal cases against individuals, the sanctity of the family or the state over and above his attention to human rights cases, particularly those

dealing with excessive use of force by the police when detaining or investigating suspects.

2003: Dr. Emberesh was selected to serve as Head of the Inspection Department of all Judicial Agencies within the Tripoli Appeals Court, specializing in conducting investigations of all complaints against law enforcement personnel, in particular, cases relating to human rights, the freedom and independence of the judiciary, and all matters relating to the transfer, appointment or reprimand of officers of the law.

* Dr. Emberesh participated in a number of legal seminars covering different fields of law. He represented Libya in a number of international conferences including the one in London in July of 2002, which dealt with modernizing criminal justice. A number of research studies were presented concerning the new perception of criminal justice, for the purpose of urging states to cooperate in the discovery and the fight against crime through the exchange of information and the utilization of modern technologies in this field and to respect the legal and human rights of the indicted as well as facilitating trial procedures.

* Dr. Emberesh wrote a report about the aforementioned conference, which also dealt with topics such as terrorism in all its aspects and how states can combat it and cooperate with different states. Transnational organized crime was also discussed. The conference highlighted the diversity of cultures among nations, yet it stressed the importance of a united goal, for all to live in peace and freedom, and to cooperate to remove threats to peace and security for peoples and protect the economy.

* Dr. Emberesh was also a member of the Libyan delegation that participated in work sessions of the Conference of Arab Ministers of Justice, wherein a wide array of issues were discussed, among which were Arab cooperation concerning the United Nations Agreement to Fight Transnational Organized Crime, and the Protocols of the agreement. Also discussed was Arab coordination in international fora concerning measures to combat international terrorism, drafting a united Arab law for penal procedures, drafting an Arab agreement to combat transnational organized crime, Arab coordination concerning the United Nations Agreement to Combat Corruption, preparing a draft for an Arab agreement to combat corruption, an Arab agreement to combat terrorism and an instrument for its complementation with the International Criminal Court. The meeting issued

recommendations to unite the Arab position in this respect, especially the positions of the Representatives of Arab States before the United Nations.

* Dr. Emberesh is considered one of the top experts in the field of law in general and, in the fields of criminal and international law in particular. With his studies in both France and England, Dr. Emberesh has a combined knowledge of the legal systems of both countries along with that of his country and those of the Arab world. He presented numerous research papers in order to obtain his Master's Degree and his Doctorate Degree from England along with a high diploma from France, equivalent to Master's Degree.

* His extensive field of work within the judicial system in Libya, in addition to his contributions to the field of penal law and the publications he authored in this field, enabled him to gain a rich and long experience in pronouncing judgments based of the principles of law and justice. He is also an active participant in the field of safeguarding human rights in Libya.

## Rigoberto Espinal Irias (Honduras)

[Original: Spanish]

**General information**

| | |
|---|---|
| Full name: | RIGOBERTO ESPINAL IRIAS |
| Place of birth: | COMAYAGUELA (HONDURAS) |
| Date of birth: | 7 SEPTEMBER 1934 |
| Marital status: | MARRIED |
| Nationality: | HONDURAN |
| Domicile: | TEGUCIGALPA (HONDURAS) |
| Tel.: | CELL PHONE 967-3807, TEL. 239-7693 |
| E-mail: | rigobertoespinal69@hotmail.com |

**Current occupation**

- Legal practice
- Legal counsel to the Office of the Attorney-General of the Republic
- Senior lecturer, Autonomous National University of Honduras (UNAH)

**Education**

- University of Kansas, Lawrence, Kansas, 1967-1969
- Faculty of Law, UNAH
- Vicente Caceres Central Institute for Boys
- San Miguel Salesian Institute

**Titles and degrees obtained**

- Master's degree in sociology, University of Kansas, Lawrence, Kansas, October 1969
- Notary, Supreme Court of Justice, 20 October 1961
- Advocate, Supreme Court of Justice, 28 September 1961
- Bachelor's degree in law and social sciences, UNAH, 23 May 1961
- Certificate of secondary education in sciences and humanities, Vicente Caceres Institute, 30 April 1953
- Attended courses on university education, UNAH, 1977 and 2003
- Attended courses on urban leadership, Southern Methodist University, Dallas, Texas, 1968

**Professional experience**

- Director of the Legal Department, Central District Municipal Council (AMDC), 1998-1999
- Permanent judge, Supreme Court of Justice, 1990-1994 and 1994-1998
- Ad hoc judge, Inter-American Court of Human Rights, 1987-1989
- Alternate judge, Supreme Court of Justice, 1970-1971
- Alternate judge, Labour Appeals Court, 1984-1987
- Labour judge, Tegucigalpa, 1962-1965
- Justice of the Peace for criminal matters, Tegucigalpa, 1959-1961
- Trainee at the law firm of Tito Livio Tabora, Jose Pineda Gomez, Santos Tercero Palma and Ramón Flores Gúzman

**University posts**

- Secretary General of UNAH, 1971-1973
- Vice Dean of the Faculty of Law, 1970-1973
- Head of the Department of Social Sciences, University Centre of General Studies (CUEG), UNAH, 1971
- Head of the Department of Theory and History, 2000
- Law degree coordinator, 2003

**Lectureships**

- Criminal Professional Law
- Criminal Law I and II
- Criminology
- Sociology
- Public International Law
- Private International Law
- Constitutional Law
- Administrative Law I
- History of Political Ideas
- History of Law
- Civil Law III, IV and V
- Labour Law I and II
- Procedural practice and working procedures
- Notarial law I and II
- Methods and Techniques of Legal Investigation

**Advisory and consulting services**

- Confederation of Honduran Workers
- Telecommunications Workers' Union
- Autonomous National University Employees' Union
- Honduran Social Security Institute Employees' Union
- National Agricultural Institute Employees' Union
- Honduras Medical College, 1973-1989
- Legal consultant to the Foundation of Private Development Organizations of Honduras (FOPRIDEH), the United Nations Development Programme (UNDP) and the National Congress
- National consultant on the sentencing courts' initial training course, 2002 and 2003

**Publications**

- *El Sistema de Justicia de Honduras*
- *La Senda del Jurista*
- *El Juez y el Desarrollo de la Democracia*
- *La Organización de la Corte Interamericana de Derechos Humanos*
- *El Proyecto Lempira*
- Essays on legal philosophy in the law review of the faculty of the Bar Association
- Research for the United Nations Institute for the Prevention of Crime and the Treatment of Offenders, 1987

**Intellectual activities**

- Columnist, *El Heraldo* daily newspaper, 1982-1993
- Editor, *Padre Trino* journal, 1959-1960
- Member of the Honduran Bar Association since its foundation
- Member of the Literary Society of Honduras, 1982-1986

**Congresses and conferences**

- San Salvador International Conference, El Salvador, at the invitation of the National Constituent Assembly in 1982 and the University of El Salvador in 1984
- International Conference on the Unity of the Sciences held in Seoul, Republic of Korea in 1982, Philadelphia, United States in 1983 and Chicago, United States in 1984
- World Media Conference held in Tokyo, Japan in 1984, as a columnist for *El Heraldo* newspaper

- Latin American Sociology Congress, Copán, Honduras
- Training seminar on "Administration of the judicial system", Tegucigalpa, 14 February 1997
- Invited by the Konrad Adenauer Foundation to attend the conference on the rule of law held in Berlin, Germany in 1993
- Visit to London at the invitation of Her Majesty Queen Elizabeth II
- Attended the meeting of Supreme Court Presidents held in Merida, Spain in 1990
- Attended the meeting of Supreme Court Presidents held in Buenos Aires, Argentina in 1994

**Committees**

- Committee of the Central American Judicial Council
- Committee on the establishment of the Central American Court of Justice
- Ad hoc high-level committee, 1993
- Coordinator of the committee for the reform of the legal and judicial system, 1993-1997
- Legislative committees involved in drafting legal decisions (e.g. on money-laundering, drug trafficking and constitutional justice)
- Committee of experts appointed by Rafael Leonardo Callejas, President of the Republic, to draft the law on the Office of the Public Prosecutor, 1993
- The technical committee responsible for preparing the draft organic law of UNAH

**Awards**

- "José Cecilio del Valle" gold medal, UNAH
- Medal of Honour, various institutions in Honduras and abroad

**Other experience**

Instructor in military criminal law and military law in the first infantry battalion, 1956-1958, as a technical sergeant

**Countries visited**

Japan, Republic of Korea, United Kingdom, Federal Republic of Germany, Spain, United States of America, Cayman Islands, Mexico, Belize, Guatemala, El Salvador, Costa Rica, Panama, Colombia, Peru, Chile, Argentina, Uruguay, Brazil and Bolivia

**Languages**

English and German

Honduran Barrister, RIGOBERTO ESPINAL IRIAS is widely known in the international community of jurists as an honorable judge, conscious of his independence, impartiality and honesty in the exercise of his judgeship, as he has demonstrated while performing as an *ad hoc* judge in the Interamerican Court for Human Rights, where he integrated the tribunal which ruled in the cases of Angel Manfredo Velásquez and Saul Godínez Cruz vrs the Republic of Honduras, passing judgement against his own country. This act has won him widespread recognition among his colleagues in the field of Human Rights.

He is also considered a gifted writer, having Published "El Sistema Judicial" (1990, The Judicial System) and other works, among them "El Juez y el Desarrollo de la Democracia" (Judgeship and the Development of Democracy), published by the Interamerican Institute for Human Rights in San José, Costa Rica; "La Organización de la Corte Interamericana de Derechos Humanos" ('The Organization of the Interamerican Court for Human Rights', San José, Costa Rica) and "La Senda del Jurista" ('The Path of the Jurist'), which appeared in the Journal of Law of the University of San Marcos,

**Lima, Peru. He also collaborated in an international academic project produced to honor Dr. Hector Fix-Zamudio, an internationally recognized jurist. In addition, he has written a great number of articles published in several magazines and Honduran newspapers El Heraldo and La Tribuna.**

**He served as Magistrate to Honduras' Supreme Court of Justice for two consecutive periods, between 1990-1994 and 1994-1998. Upon conclusion of his service as Magistrate, he organized the legal department of the Municipality of the Central District of Honduras in Tegucigalpa, and later joined the Public Ministry of the Republic of Honduras, as a legal consultant to the Prosecutor General, and has remained as such since 1999 to this date.**

**He has collaborated with the Spanish Agency for International Cooperation (AECI) as a consultant in the training of Trial Judges for their roles in accordance to Honduras' new Code of Criminal Procedure. He has also participated in legal research for the United Nations' Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD), for the United Nations Development Program (UNDP) and the United States' Agency for International Development (USAID).**

In his participation in the development of proposed legislative initiatives on projects such as the "Ley Contra el Lavado de Activos" (Act Against Asset Laundering), "Ley de Justicia Constitucional" (Law On Constitutional Justice), "Ley Orgánica del Poder Judicial" (Organic Law for the Judicial Branch of Government) and other projects against organized crime, he has demonstrated great creativity, discipline and full commitment to the tasks assigned. His performance has gained him the respect and appreciation of his fellow workers and directors.

His academic life has also been successful. He has been a lecturer in Honduras's School of Law for over thirty years, and in graduate courses in assignments on Human Rights and Criminal Procedure. His involvement in the field of criminal law was initiated while lecturing in Criminal Procedure and Criminal Law.

He served as Justice of the Peace on Criminal Matters of Tegucigalpa and as Judge of First Instance for the Third Circuit of Tegucigalpa on Criminal Law.

He is undoubtedly a multifaceted jurist who enjoys good physical and mental health.

**O-gon Kwon (Republic of Korea)**

| | |
|---|---|
| Name: | **KWON, O-Gon** |
| Date of Birth: | 02 September 1953 |
| Nationality: | Korean |
| Place of Birth: | Cheongju, Korea |
| Marital Status: | Married, Three children |
| Home Address: | Zanderijlaan 8<br>2242 GV Wassenaar<br>The Netherlands |
| Office Address: | Churchillplein 1<br>2517 JW The Hague<br>The Netherlands |
| E-mail: | ogon@chol.com |

## Education

| | |
|---|---|
| 1984-1985 | *LL.M.*, Harvard Law School (U.S.A.) |
| 1977-1979 | Bar Apprenticeship, Judicial Research and Training Institute, Supreme Court of Korea (*Chief Justice Award*) |
| 1976-1978 | *LL.M.*, Graduate School of Seoul National University |
| 1972-1976 | *LL.B.*, Seoul National University Law School (*Magna cum laude*) |

## Professional Career

International Tribunal

| | |
|---|---|
| 2001-present | Judge of the International Criminal Tribunal for the Former Yugoslavia: Member of Trial Chamber III, sitting on the trial of<br>*Slobodan Milošević* |

Judiciary in Korea

| | |
|---|---|
| 2000-2001 | Presiding Judge, Taegu High Court |
| 1999-2000 | Presiding Judge, Seoul District Court |
| 1997-1997 | Presiding Judge, 1st Instance Criminal Division, East Branch of Seoul District Court |
| 1995-1997 | Presiding Judge, 1st Instance Criminal Division, Suwon District Court |
| 1993-1995 | Presiding Judge, Criminal Appellate Division, Changwon District Court |
| 1988-1990 | Judge, Taegu High Court |
| 1986-1988 | Judge, Seoul Criminal District Court, sitting as the presiding judge of the 3rd Single-Judge Court |
| 1979-1980 | Judge, Seoul Civil District Court |

Other Professional Career

| | |
|---|---|
| 1997-1999 | Director of Research, Constitutional Court of Korea |
| 1992-1993 | Research Judge, Supreme Court of Korea |
| 1990-1992 | Planning Director, Ministry of Court Administration, Supreme Court |
| 1986-1988 | Judge, Seoul Criminal District Court, sitting as the presiding judge of the 3rd Single-Judge Court |
| 1980-1984 | Assistant Legal Adviser, Office of the Secretary to the President of Republic of Korea |

Other Concurrent Positions

| | |
|---|---|
| 1999-2000 | Chair, Election Management Committee of Sung-dong Ku, Seoul |
| 1996-1997 | Chair, Election Management Committee of Kwon-sun Ku, Suwon |
| 1994-1995 | Chair, Press Arbitration Committee of Kyung-nam Province |

**Academic Activity**

Co-Authored Book

Commentary on the Civil Code

Articles

*Repression of War Crimes by States and by International Courts* (unpublished), Speech at the Special Meeting on International Law, 42nd Session of the Asian-African Legal Consultative Organization (AALCO) on 18 June 2003;

*Meaning and Effect of Ex Officio Decision of Compulsory Mediation*, 16-3 Press Arbitration 16 (1996);

*Determination of Applicable Law When the Proper Law is Uncertain*, 1 Adjudication Practice 355 (1996);

*Methods for Securing the Efficiency of Compulsory Execution*, 17 Civil Case Study 353 (1995);

*The Meaning of Habitualness in the Section 3 of the Article 3 of the Special Act for the Prosecution of Assault and Battery*, 390 Sa-bup-haing-jung 85 (1993);

*Some Problems in Executing Foreign Vessels*, 34 Jai-pan-ja-ryo 623 (1986);

*Small Claims Court in the U. S. and Korea*, 15 Korean Journal of Comparative Law 95 (*LL.M.* paper, Harvard Law School, 1985);

*A Study on Maritime Liens* (*LL.M.* paper, Graduate School of Seoul National University, 1983); and other over 20 articles

Teaching

| | |
|---|---|
| 1999 & 2001 | Lecturer on Civil Procedure of Korea, Santa Clara University Law School Summer Program, Kook-min University |
| 1986-1987 | Lecturer on Anglo-American Law, Judicial Research and Training Institute, Supreme Court of Korea |
| 1987 | Lecturer on Anglo-American Law, College of Law, Kyung-Hee University |

Member

Study Group of Criminal Practice, Supreme Court
Civil Case Study Group

**International Conference**

| | |
|---|---|
| 2003 | Panelist at the Special Meeting on International Humanitarian Law, 42nd Session of the Asian-African Legal Consultative Organization, Seoul, Korea |
| 1999 | Korean Delegate to the 11th Conference of the European Constitutional Courts, Warsaw, Poland |
| 1981 | Korean Delegate to the Lawasia Conference, Bangkok, Thailand |

**Theodor Meron (United States of America)**

Since his election to the Tribunal by the U.N. General Assembly in March 2001, Judge Meron, a citizen of the United States, has served on the Appeals Chamber, which hears appeals from both the International Criminal Tribunal for the former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). A leading scholar of international humanitarian, human rights, and international criminal law, Judge Meron wrote some of the books and articles that helped build the legal foundations for international criminal tribunals. A Shakespeare enthusiast, he has also written articles and books on the laws of war and chivalry in Shakespeare's historical plays.

Since 1977, Judge Meron has been a Professor of International Law and, since 1994, the holder of the Charles L. Denison Chair at New York University Law School. In 2000-2001, he served as Counselor on International Law in the U.S. Department of State. Between 1991 and 1995 he was also Professor of International Law at the Graduate Institute of International Studies in Geneva, and he has been a Visiting Professor of Law at Harvard and at the University of California (Berkeley). He received his legal education at the Universities of Jerusalem, Harvard (where he received his doctorate), and Cambridge.

He was Co-Editor-in-Chief of the *American Journal of International Law* (1993-98) and is now an honorary editor. He is a member of the Board of Editors of the *Yearbook of International Humanitarian Law*, a member of the Council on Foreign Relations, the American Society of International Law, the French Society of International Law, the American Branch of the International Law Association, and the Bar of the State of New York. He has served on the advisory committees or boards of several human rights organizations, including Americas Watch and the International League for Human Rights. In 1990, he served as a Public Member of the United States Delegation to the CSCE Conference on Human Dimensions in Copenhagen. In 1998, he served as a member of the United States Delegation to the Rome Conference on the Establishment of an International Criminal Court (ICC) and was involved in the drafting of the provisions on crimes, including crimes against humanity. He has also served on the preparatory commission for the establishment of the ICC, with particular responsibilities for the crime of aggression. He has served on several committees of experts of the International Committee of the Red Cross (ICRC), including those on Internal Strife, on the Environment and Armed Conflicts, and on Direct Participation in Hostilities. He was also a member of the steering committee of ICRC experts on Customary Rules of International Humanitarian Law.

He has been a Carnegie Lecturer at The Hague Academy of International Law, Fellow of the Rockefeller Foundation, Max Planck Institute Fellow (Heidelberg), Sir Hersch Lauterpacht Memorial Lecturer at the University of Cambridge, and Visiting Fellow at All Souls College, Oxford. He has lectured at many universities and at the International Institute of Human Rights (Strasbourg). He leads the annual ICRC seminars for U.N. diplomats on international humanitarian law at NYU. He is a member of the Institute of International Law.

His books are: *Investment Insurance in International Law* (Oceana-Sijthoff 1976); *The United Nations Secretariat* (Lexington Books 1977); *Human Rights in International Law* (Oxford University Press 1984); *Human Rights Law-Making in the United Nations* (Oxford University

Press 1986) (which was awarded the certificate of merit of the American Society of International Law); *Human Rights in Internal Strife: Their Internationa! Protection* (Sir Hersch Lauterpacht Memorial Lectures, Grotius Publications 1987); *Human Rights and Humanitarian Norms as Customary Law* (Oxford University Press 1989); *Henry's Wars and Shakespeare's Laws* (Oxford University Press 1993); *Bloody Constraint: War and Chivalry in Shakespeare* (Oxford University Press 1998); and *War Crimes Law Comes of Age: Essays* (Oxford University Press 1998).

A frequent contributor to the *American Journal of International Law* and other legal journals, delivered the 2003 General Course of Public International Law at The Hague Academy of International Law on "International Law in the Age of Human Rights."

**Bakone Melema Moloto (South Africa)**

Judge Justice Bakone Melema Moloto is a judge of the High Court of South Africa and of the specialised Land Claims Court of South Africa. He was born on 26 July 1944.

He entered legal practice as a candidate attorney in 1976 and was admitted as an attorney in May 1978.

He practised for his own account as a sole practitioner shortly after admission until April 1986 when he went into partnership with colleagues including Selby Baqwa SC who later became the first Public Prosecutor appointed in South Africa after the transformation to democracy in 1994.

He left private practice in July 1987 to take up a full time post as Director of the Black Lawyers Association Legal Education Centre, a position he occupied until December 1992.

In 1993 he joined Eskom, the national electricity supply commission as contract manager in charge of contracts for the supply of coal to power stations for the generation of electricity. He remained in that position until 1995 when he was appointed as judge of the Land Claims Court.

He was appointed as judge of the High Court of South Africa in January 2003. He therefore has almost 10 years judicial experience, which includes both land claims and general jurisdictions.

His stint at the helm of the Black Lawyers Association Legal Education Centre exposed him to the practice of Human Rights under apartheid South Africa where through the Centre he represented disadvantaged communities in mostly labour, political and eviction cases. He also has vast experience in criminal law. The Legal Education Centre under him also focussed on the training of lawyers from Black communities on various aspects of the law including human rights law and labour law. The Centre also facilitated funding for legal defence of victims of apartheid by an increasing number of black lawyers, thus exposing them to wider litigation skills.

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|---|---|---|
| Date of birth | : | 26 July 1944. |
| Educational Qualification | : | B.A, (1973); B.Proc. (1978) University of South Africa (UNISA) |
| Professional Qualifications | : | (1) Admitted as an attorney of the High Court of South Africa<br>(2) Conveyancer |

**PROFESSIONAL CAREER**

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|---|---|---|
| **January 2003 to date** | : | Judge of High Court of South Africa<br>Transvaal Provincial Division: |
| Responsibilities | : | Hearing cases in the High Court. Amongst others focus on any constitutional matter not falling within the exclusive jurisdiction of the Constitutional Court; general jurisdiction and review of proceedings of lower courts |
| **December 1995 to date** | : | Judge: Land Claims Court of South Africa |
| Responsibilities | : | Hearing cases in the Land Claims Court, (hears disputes arising from those laws underpinning South Africa's land reform initiative). Giving judgements in such cases and generally assisting, with other judges of the Court, in the management and running of the Court, addressing the human resources requirements of the court and generally seeing to the smooth running of the Court. |
| **November 1993 to November 1995** | : | Contracts Manager<br>Fuel and Water Department, Eskom. |
| Responsibilities | : | Managing the Contracts Section of the Fuel and Water Department, negotiating Eskom's Coal Supply Agreements, |

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| | | monitoring implementation thereof, negotiating amendments where necessary. Giving legal opinion to the department and other departments in Eskom. Drafting amendments, documentation and correspondence where appropriate. Member of the Management Team of the Department. |
| **January 1993 to October 1993** | : | Assistant Contract Support Manager<br>Fuel and Water Department, Eskom. |
| **Responsibilities** | : | Giving legal opinion on general matters and drafting appropriate correspondence and/or other documentation, where necessary. Negotiating, drafting, monitoring maintaining Eskom's Commercial Contracts, mainly the Coal Supply Contracts to Eskom's Power Stations. Involved in other managerial functions. |
| **July 1987 to December 1992** | : | Executive Director<br>Black Lawyers Association Legal Education Centre. |
| Responsibilities | : | Developing programme of activities for the Centre, recruiting and engaging staff, supervising execution of the programme and activities, drawing and monitoring annual budgets, developing and executing a fundraising strategy, performing public relations duties for the Centre, providing guidance and leadership to staff, assisting staff in execution of the programme and activities. Drawing Annual Reports, performing professional duties. |
| **April 1986 to June 1987** | : | Managing Partner of the firm Baqwa, Moloto, Nzimande, Webster and Mbuli (Firm of **Attorneys**). |
| **July 1978 to March 1986** | : | Sole partner of the firm J Moloto & Co (Firm of Attorneys). |
| Responsibilities | : | Litigation in civil and criminal matters. Civil litigation in both Magistrate's and Supreme Courts, as well as criminal litigation in both |

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| | | courts. Drafting of wills and contracts. Conveyancing. Negotiation of settlements and drawing of settlement documents. Administration of Estates. |
| April 1976 to June 1978 | : | Candidate Attorney in the firm of Frank Sithole & Company up and to May 1978. In June 1978 worked as a qualified attorney in the same firm. |
| 1975 | : | Worked as a Law Clerk in the firm A V B Nyembezi (Attorneys). |
| 1971 to 1974 | : | Employment by the Bantu Investment Corporation as accounts clerk. |
| 1969 to 1971 | : | Working as an Executive President and later as General Secretary of the University Christian Movement. |
| 1968 | : | Attended the University College of Fort Hare. |
| 1967 | : | Taught as a Private Teacher, first at Orlando West High School and later at Tshidi Barolong High School. |
| 1965 to 1966 | : | Attended the University College of Fort Hare. |
| 1964 | : | Attended the University College of the North. |
| 1963 | : | Completed Matric (grade 12) |

**MEMBERSHIP OF BOARDS**

1. Member of the Legal Aid Board
2. Trustee of the Black Lawyers Association Legal Education Trust.
3. Chairman, National Archives Advisory Council.

## Prisca Matimba Nyambe (Zambia)

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| **Surname:** | **NYAMBE** |
| **Other names:** | **Prisca Matimba** |
| Date of Birth: | 31 December 1951 |
| Nationality: | Zambian |
| Marital Status: | Divorced — formerly Prisca Matimba Nyambe Hassan (Mrs) |
| Maiden/Current name: | Prisca Matimba Nyambe |

**PERMANENT ADDRESS**

| | |
|---|---|
| Business: | Matimba Chambers<br>P.O. Box 35134<br>Lusaka — Zambia |
| Residence: | Plot No: 9662<br>10th Street<br>Chudleigh<br>Lusaka — Zambia |
| Tel/Fax: | +260-1-291126 |

**PRESENT ADDRESS**

International Criminal Tribunal for Rwanda
Arusha International Conference Centre
P.O. Box 6016
Arusha — Tanzania
Tel: +255-27 2504207-11/2504367-72 or 1 212 963 2850
Fax: +255-27 2504373/2504000
+1 212 963 2848/9
Mobile: 255-748 400 855
E-mail: nyambe@un.org

## AWARDS

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|---|---|
| **August 1999** | **Letters of Recognition by two Judges of the ICTR** |
| **February 1992** | **International Biographical Center, Cambridge England**<br>Nominated International Woman of the Year — 1991/1992 |
| **February 1989** | **International Biographical Center, Cambridge England** — Awarded a Certificate of Merit for Distinguished Services |
| **December 1985** | **International Law Institute, Washington D.C., USA**<br>Letter of Recognition as an outstanding participant to a Foreign Negotiation Seminar |
| **1993-1994** | **Elected Vice-Chairman, Law Association of Zambia** |
| **1992** | **Elected Patron, University of Zambia Law Association** |
| **1984-1992** | **Elected Council Member, Law Association of Zambia** |
| **1984-1992** | **Convenor of the House Committee, Law Association of Zambia**<br>Responsibilities included organizing:<br>– The African Bar Association Fifth Biennial Conference (August 1985), Lusaka, Zambia<br>– The Inaugural Conference for African International Lawyers (April 1986), Lusaka, Zambia<br>– Joint Seminar between the African Bar Association and the International Commission of Jurists (November 1986) on the theme **"The Independence of the Judiciary"**, Lusaka, Zambia |

## COMMUNITY CONTRIBUTIONS

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| February 1993 | Trustee, Nurses Council of Zambia |
| 1978-1980 | Member, Planned Parenthood Association of Zambia (Central Province) |
| 1978-1980 | Member, Prison Society of Zambia (Central Province) |
| 1978-1980 | Member, Nurses Disciplinary Committee (Central Province) |

## PROFESSIONAL QUALIFICATIONS/EDUCATION

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|---|---|
| August 1997: | Completed a computer course: Windows 3.1/3.11, Word Perfect 6.0 |
| August 1982: | Admitted as an Advocate of the High Court of Zimbabwe |
| February 1978: | Admitted as an Advocate of the High Court of Zambia |
| July 1975: | LLB Degree with Honours |

**MEMBERSHIP TO PROFESSIONAL BODIES**

(i) Law Association of Zambia
(ii) Commonwealth Lawyers' Association
(iii) East African Law Society
(iv)

**WORK EXPERIENCE**

**INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA (UNICTR)**

**2002 to date**

General Counsel to ICTR Administration responsible for:

- Providing legal advice both written and oral on a wide range of legal issues affecting the operations of the Tribunal, working closely with Government authorities and the Office of Legal Affairs in New York.
- Preparing diplomatic correspondence such as Notes Verbales and Aides-Memoires.
- Coordinating and managing the ICTR Internship and Legal Researchers Programmes.
- Drafting and reviewing contracts entered into between the Tribunal and third parties.
- Providing legal opinions to the administration on a wide range of legal issues on municipal laws and the privileges and immunities of the Tribunal and staff as provided for in the Convention on Privileges and Immunities of the United Nations, the UN Charter, the Statute of UNICTR and the Agreement between the United Nations and the Government of Tanzania concerning the Headquarters of the Tribunal.
- Serving as member of the Local Committee on Contracts, Local Survey Board, Ad hoc Disciplinary Committee, Chairman of the Classification Appeals Committee and other ad hoc bodies set up by the Administration.

**February 2000-2002**

Chief of Section, General Legal Services Section.

In-house Legal Counsel of the Tribunal and provides legal advice to the Tribunal on a wide range of legal matters pertaining to, (i) agreements between the Tribunal and Governments, (ii) relations between the Tribunal and third parties (iii) internal challenges to decisions taken by Management, (iv)

Provides advisory legal briefs and opinions on behalf of the Registry to the Chambers on any issues arising in the context of a specific case which affects or may affect the discharge of the Registrar's functions, including that of the implementation of judicial decisions.

Supervises the planning and preparation of Plenary Sessions of the Judges and responsible for the subsequent implementation of Plenary decisions falling within

the Registry's mandate. Represents the Registry during the review of indictments by the Judges.

Oversees the transmission of Warrants of Arrest and other Court Orders issued by the Judges for the arrest and surrender of suspects or accused to the Tribunal. Responsible for the transfer of suspects or accused upon arrest to the Tribunal.

Coordinator of the ICTR Internship and Legal Research Programmes.

**February 1996-February 2000**

Appointed as a Senior Legal Officer of the International Criminal Tribunal for Rwanda in Arusha, Tanzania, responsible for the overall management of the judicial aspects of the Tribunal.

1. Responsible for:

   - Organizing and coordinating the proceedings of the Trial Chambers. Ensuring administrative and technical support to the Chambers and the parties, the preparation of court minutes of the sittings of the Chambers or a Judge, taking minutes in the Plenary Meetings of the Judges.
   - Management of the filing and distribution on an expeditious basis, of the judicial documents of the Tribunal to the Judges, the supporting legal staff, the Parties and the Press and Public Affairs Unit for disseminating to the public.
   - Ensuring that non-confidential information in the custody of the Tribunal is publicly available.
   - Acting as the custodian of the official Seal and Stamps of the Tribunal.

2. Maintaining the Judicial Archives of the Tribunal, which includes the following:

   a) Case files;
   b) Correspondence files;
   c) The Record Book, including the "Summary of Judicial Activities Sheet";
   d) Audio and video cassettes, diskettes, microfiche slides and photographs, including negatives.

3. Commissioned a study by the United Nations Archives Management Section to evaluate and propose improvements to the ICTR records management and archives programme, with particular, though not exclusive, focus on the Judicial Archives, with terms of reference extending to evaluating the potential for implementation of the standard United Nations record keeping software, TRIM, at the Tribunal offices, evaluating the environmental conditions as they pertain to archival preservation, assessment of the staffing and training and resource requirements. Ensured the implementation of the recommendations of the ARMS Report, including the preparation of Job Descriptions and recruitment of staff and procurement of resource requirements.

4. Developed and coordinated the activities of the Court Reporters Unit:

   - Developed and administered a court reporting system for the ICTR.
   - Conducted needs assessment evaluated and approved the transcription software relevant to ICTR needs and requirements.
   - Developed policies and guidelines relating to efficient court reporting.
   - Ensured the smooth reporting of the daily proceedings in both working languages of the Tribunal and the preservation of a full and accurate record of all court proceedings including audio recordings.

5. Responsible for transmitting to the National authorities of the State in whose territory or under whose jurisdiction or control the suspect or accused resided, or was last known to be, the Warrants of Arrest and Orders issued by the Tribunal and in cooperation with the National authorities to ensure the arrest and transfer of the accused or suspect to the Seat of the Tribunal in Arusha.

6. Carrying out management responsibilities for the Section, including planning, budgeting, human resources, recruitment and facilities:

   - Prepared, justified and implemented the Section budget to achieve the Section's goals at the least cost.
   - Studied and reviewed programme activities to determine best means of delivery, including outsourcing when appropriate.
   - Reported on programme developments and accomplishments.
   - Reviewed requests for equipment and recommended its procurement.
   - Evaluated Section staff's performance.
   - Prepared job descriptions for staff members in the Section, recruited staff as required and ensured compliance with administrative requirements.

7. Responsible for taking minutes of the Plenary Meetings of the Judges, as well as coordinated logistical, technical and administrative assistance to the Plenary Meetings of the Tribunal. Ensured the distribution and implementation of the decisions of the Plenary Meetings of the Judges.

**HUMAN RIGHTS AND DEMOCRATIZATION ADVOCACY**

**May-June 1995:**

I was engaged by the International Commission of Jurists (ICJ) based in Geneva as a Human Rights Expert/International Observer at the trial of the former Head of State of Malawi, Dr Hastings Kamuzu Banda and three others for Human Rights violations during his rule. My mandate at the trial of Dr Banda and three others included the following:

   - To obtain information about the conduct of the trial, the nature of the case against the accused and the legal framework under which they were being tried.

- To collect more general background information about the political and legal circumstances leading to the trial.
- To advertise before the court, the relevant authorities in Malawi and to the general and international public, the international interest and concern in the trial.

**In particular, I was to ascertain whether:**

- the trial was being conducted in accordance with the due process of the law;
- the trial was fair in accordance with the Universal Declaration of Human Rights and the International Convention on Civil and Political Rights;

**Verify whether the following principles were applied viz:**

- the independence of the judicial authorities;
- the right of the accused to legal representation;
- prohibition of torture;
- access to a family lawyer/doctor;
- the principle of non-retroactivity of laws;
- the right to a public and expeditious trial;
- the presumption of innocence;
- the right to appeal;

- I held discussions with the relevant authorities in Malawi to bring to their attention the nature of my mission and to seek their assistance and cooperation in carrying out my mandate. I was allowed a number of house visits to the accused on Police Bond, viz, Dr Banda and Ms Cecilia Kazamira and a number of prison visits to the other two accused in custody throughout my mandate.

- I attended court sessions, in a specially provided prominent position in the courtroom.

- After my prison visits and further meetings and discussions with the relevant authorities, the accused in custody were allowed family/doctor visits. In due course, all four accused were acquitted of the offences charged.

**From February-May 1994:**

Appointed the ICJ's Human Rights Expert/International Observer to the Presidential and Parliamentary Elections in Malawi under the United Nations Electoral Assistance Secretariat (UNEAS), a Joint International Observer Group (JIOG). I was the Coordinator of an eleven-member team of International Jurists. During our mission, we, inter alia:

- Advised the National Consultative Council (NCC) and the Election Commission of Malawi on the Human Rights aspects to be included in the Civic Education Campaign. The NCC was a transitional government which was set up to govern Malawi before the elections, consisting of members from all political parties in Malawi.

- Coordinated the work of UNEAS, particularly the holding of Civic Education workshops and seminars with political parties, NGOs, the Police, the Army and Prison Officers and the various churches.
- Undertook preliminary studies and consultations with all interested parties, with a view to establishing a legislative and legal framework to safeguard human rights in Malawi, which culminated in the repeal of the old Constitution and other laws to prepare Malawi for the holding of multiparty democratic elections.

**From May-June 1993:**

I was commissioned by the ICJ as a Human Rights Expert/International Observer and Coordinator of a five-member Observer Mission to Malawi to observe the holding of a National Referendum to determine the future political system for Malawi. The referendum question was whether Malawi should remain a One Party State or adopt a Multiparty system of Government. Malawians overwhelmingly chose a Multiparty system of Government.

**BANKING**

**1984-1992 Deputy/Legal Counsel to the Central Bank of Zambia**

As Legal Counsel, I was Head of the Legal Department. I was the Legal Adviser to the Central Bank of Zambia. As Legal Counsel to the Central Bank, I advised the Chief Executive Officers involved in the day-to-day operations of the Bank on the legal requirements and framework with respect to the operations of the Bank. As the Central Bank of the country, the Bank of Zambia administered the Bank of Zambia and Foreign Exchange Acts and assisted government in regulating and supervising the operations of the Commercial Banks under the Banking Act. At the time, the Bank of Zambia was deeply involved both directly and through Commercial Banks in International Finance and Trade. As the Legal Counsel, I assisted the Central Bank in ensuring compliance with legal aspects of its operations covering International Finance and Trade, vetted all agreements entered into, ensuring compliance with the relevant laws. In particular, I advised the Bank on legal matters concerning Trade related loan/credit agreements and other arrangements for the availability of Foreign Exchange to meet the Loan Commitments either by the Bank of Zambia itself or the Government of the Republic of Zambia.

**1993** Part of Study Group appointed by the Minister of Finance to research and reform the Financial System in Zambia and bring it in line with a liberalized economy and provided the framework for three new Acts viz:

(i) New Financial Institutions Act
(ii) Securities Act
(iii) Bank of Zambia Act.

**1994** **Zambia Revenue Authority, Board Member**
Appointed to the Board of Zambia Revenue Authority by the Minister of Finance, with the mandate to reform the tax laws of Zambia and bring them in line with a liberalized economy.

**1993** **Zambia Revenue Authority**
Elected Vice-Chairman of the Zambia Revenue Authority by the Board.

**1992** Nominated as Patron of the University of Zambia Law Association.

**1992** **Zambia Local Government Elections Commission**
Commissioner — appointed to the Election Commission of Zambia by the President of the Republic of Zambia with a mandate to reform the Electoral Laws of Zambia to meet the challenges of democratic governance.

**1991** **Zambia Independent Monitoring Team (ZIMT)**
Founder and Board Member of ZIMT conceived to observe and monitor Zambia's Presidential and Parliamentary Elections in 1991.

**1989** **Parliamentary Fact-Finding Committee**
Appointed by the Right Honourable Prime Minister of the Republic of Zambia to a Committee of Legal Experts to investigate and report on any discriminatory laws against women in Government and State-owned enterprises.

## SYMPOSIA

Over the years I have organized or attended conferences, workshops and seminars throughout Africa, Europe and the United States on democracy, human rights and international finance and trade related issues. In particular, I have been involved in discussions on the rights of women and children, gender based war crimes and integration of international legal standards in national structures.

**24-26 May 2002 (Arusha, Tanzania)** **Participant at a seminar on African Dialogue**
"Promoting Justice and Reconciliation in Africa: challenges for Human Rights and Development", organized by the Office of the High Commissioner for Human Rights.

**16-20 June 1997 (Geneva, Switzerland)** **Ecumenical Centre, Bossey, Canton of Geneva, Switzerland**
Participant to a Working Group on "Developing joint Procedures and Standards for the ICTR/ICTY Witness Protection Programmes", organized by the Coordination of Women's Advocacy.

**6-8 April 1998 (Geneva, Switzerland)** *International Labour Office, Geneva, Switzerland*
Participant in "Women, War and Justice Symposium".

**April-May 1994 (Malawi, countrywide)** — Conducted a series of workshops/ seminars for NGOs, Political Parties on their role in observing and monitoring elections in a multiparty environment.

– Civic Education seminars/workshops throughout Malawi, on the role of Law Enforcement Officers during and after multiparty elections.

**6-8 July 1994 (Windhoek, Namibia)** Participant in a seminar on "Promoting Democracy, Human Rights and Development" by the Commonwealth Secretariat.

**May 1993 (Malawi, countrywide)** Conducted a series of workshops/seminars for church leaders, NGOs and the public on the "The Secrecy of the Ballot and Universal Suffrage".

**December 1993 (Bonn, Germany)** Participant to the Seminar "Promoting Human Rights and Participation in Africa by the German Foundation for International Cooperation".

**November 1993 (Zambia, countrywide)** Conducted a series of lectures/TV interviews for Police/Prison Officers on the Role of the Judiciary, Police, Prison Officers and the Press in a Democracy, under the auspices of the Law Association of Zambia.

**October 1993 (Nanyuki, Kenya)** Participant at a seminar on "Promoting Greater Political Participation" by the National Democratic Institute (NDIUSA) and the Kenya Education Centre for Women.

**February 1993 (Stockholm, Sweden)** Participant at a seminar on "Development Cooperation for Human Rights and Democracy" by the Swedish Ministry of Foreign Affairs, Department for International Development Cooperation and Human Rights.

**February 1993 (Maseru, Lesotho)** Resource person at a workshop on the "Role of Women in Preparing, monitoring and Observing Elections".

**1992** As Patron of the University of Zambia Law Association, held a Seminar on the theme: "Women and Children's Rights in Zambia: The Future".

**April 1991 (Washington D.C., USA)** Participant at a seminar on "Capital Markets: Development and Regulation" at the International Law Institute (ILI), Washington DC, USA.

**1989 (Rome, Italy)** Participant at a seminar on "Development Lawyers' Course" at the International Development Law Institute (IDLI) Rome, Italy.

**September 1987 (Nairobi, Kenya)** Represented LAZ at the Regional Meeting of the Federation of Women Lawyers, Africa and the Middle East held in Nairobi, Kenya from 7-10 September 1987 on the theme: "Law and Shelter".

**1987 (Washington D.C., USA)** Participant at a seminar on "International Loan Negociation and Renegociation" at ILI, Washington D.C., USA.

**April 1986 (Lusaka, Zambia)** As Council Member of LAZ, organized the Inaugural Conference for African International Conference for African International Lawyers held in Lusaka, 2-5 April 1986.

**November 1986 (Lusaka, Zambia)** As Council Member of LAZ, organized a Joint Seminar between the African Bar Association and the International Commission of Jurists (ICJ) on the theme: "The Independence of Judiciary and the Legal Profession", held in Lusaka from 10-14 November 1986.

**August 1985 (Lusaka, Zambia)** As Council Member of Law Association of Zambia, organized "The African Bar Association Fifth Biennial Conference in Lusaka from 12-19 August 1985".

**1985 (Washington D.C., USA)** Participant at a seminar on "Foreign Investment Negotiation" at ILI, Washington D.C., USA.

**June 1981 (Harare, Zimbabwe)** Resource Person at a Women's Conference on "Advancement of Women in the Judiciary" organized by the Ministry of Justice of the Republic of Zimbabwe.

**References available on request.**

**Alphonsus Martinus Maria Orie (Netherlands)**

- ORIE, Alphonsus Martinus Maria
- born 23rd November 1947 , Groningen, the Netherlands;
- Netherlands nationality;
- married, four children;
- E-mail: orie@un.org .

Education

1958-1966 Gymnasium β

1966-1971 Legal education, University of Leyden, masters degree in law, Course in European Law (Criminal Law), Free University, Brussels

Languages Fluent English, French and German.

Present position

2001- Permanent Judge of the International Criminal Tribunal for the Former Yugoslavia
Presiding judge of Trial Chamber I, Section B;

Judgements delivered since 2001 under this presidency by Trial Chamber I section B;
Galic (judgement December 2003)
Cesic (sentencing judgement March 2004)
Jokic (sentencing judgement March 2004)
Mrda (sentencing judgement March 2004)
Babic (sentencing judgement June 2004)

Presently presiding over the Krajisnik Trial

Involved in Pre-Trial cases (PTJ=Pre-Trial Judge)
Martic,
Ljubicic,
Stankovic,
Ademi & Norac (joined cases)
Kovacevic (PTJ),
Prlic (PTJ), Coric (PTJ), Pusic (PTJ), Stojic (PTJ), Praljak (PTJ) & Petkovic (PTJ) (joined cases),
Limaj, Bala & Musliu (joined cases).

Involved in contempt cases.

Other positions presently held

| | |
|---|---|
| 1997- | Justice of the Supreme Court of the Netherlands (2nd Chamber, deciding criminal cases); on special leave since 17/11/2001; |
| 1997- | Member of the Board of the Netherlands International Law Association (Nederlandse Vereniging voor Internationaal Recht); |
| 1998- | Crown appointed Judge at the Disciplinary Court of Appeal for the Dutch Bar (on effective leave since 17/11/2001); |
| 2000- | Member of the Supervisory Board of the Dutch Section of the International Commission of Jurists (NJCM); |
| 2001- | Member of the Advisory Board of the Amsterdam Centre for International Law. |

Previous Positions

Full time

1980-1997 Admitted tot the Bar of the Supreme Court of the Netherlands, partner in the law firm Wladimiroff & Spong, the Hague. Main area of practice: criminal law, especially International criminal cases (transborder defence, extradition, transfer of prisoners, international judicial co-operation) and Supreme Court criminal cases;

1995-1997: Experience as assigned defence counsel in the International Criminal Tribunal for the former Yugoslavia, especially dealing with fundamental issues regarding the establishment and the jurisdiction of the ICTY and the examination of expert witnesses.

1971-1980 Lecturer at Leyden University, department of Criminal Law.

Part time

| | |
|---|---|
| 1980-2003 | Co-founder and chairman of the Society for International Criminal Law (Gezelschap voor Internationaal Strafrecht), Dutch section of the International Association of Penal Law. |
| 2000-2001 | Member of an informal working group, advising the Ministries of Justice and Foreign Affairs on the implementary legislation for the Rome Statute (ICC); |
| 1997-1998 | Member of an ad-hoc informal working group, assisting the Ministry of Foreign Affairs in the preparation of the Rome conference on the ICC; |
| 1994-1997 | Subsidiary Judge of the Court of Appeal, Amsterdam; |
| 1994 | Member of an ad-hoc informal working group, assisting the registrar of the ICTY in the preparation of a Directive on the assignment of defence counsel; |
| 1989-1994 | Member of the Council of the Bar of the Supreme Court of the Netherlands (portfolio: criminal law, immigration law and education); |
| 1983-1996 | Member of three ad hoc legislative advisory committees to the Minister of Justice on:<br>- The position of the defendant in the field of international co-operation in criminal matters (1992-1994);<br>- The review of Supreme Court procedures in criminal cases (1995-1996);<br>- Simplified administrative procedure for minor traffic offences (1983-1985); |
| 1972-1975 | Subsidiary clerk of the District Court of Den Haag. |

Selected Publications

(Publications in the Dutch and German language are preceded by an indication of the subject in English in italics.)

Book

*(A general introduction to International Criminal Law)* Internationaal Strafrecht (1st edition 1980, 2nd ed. 1991 (189 p.), 3rd ed. 2002 (468 p.), co-authors J.v.d.Meijs, A.Smit and (2002) J.M.Sjöcrona).

Articles (listed in a reverse chronological order)

- *(Video conferences in criminal proceedings)* Van Telehoren naar Videoconferentie, in: Europeanisering van het Nederlands Recht, Bundel aangeboden aan Mr. Pim Haak, 2004;
- *(The applicability of Dutch disciplinary law and procedure over foreign counsel acting in the Netherlands)* Het Nederlandse tuchtrecht en buitenlandse advocaten, in: Recht op tuchtrecht, 50 jaar Hof van Discipline, 2003, p. 196-207;
- *(Rule 92 bis of the ICTY: what if oral testimony contradicts a previous written statement?)* Zegge of Schrijve? Oral testimony vs written statement, in: Iets bijzonders (liber amicorum Mischa Wladimiroff), Den Haag 2002, p. 299-317;
- Accusatorial v. Inquisitorial Approach in International Criminal Proceedings prior to the establishment of the ICC and in proceedings before the ICC (in: International Criminal Law, A Commentary on the Rome Statute, edited by Antonio Cassese, Oxford University Press, 2002, Vol. II p. 1439-1495);
- Case annotation to decisions of the ICTR in the Akayesu and Ntakirutimana cases (Trial Chamber and Appeals Chamber), concerning the free choice of counsel to be assigned to indigent defendants, in: Annotated Leading Cases of International Tribunals (Vol. II), edited by A.Klip and G.Sluiter, January 2001;
- *(Recent developments in the Extradition law of the EU)* Ver(der) van huis, de verschuiving van het evenwicht tussen de positie van de verzoekende en de aangezochte staat in het komende EU uitleveringsrecht, in: Rede en Recht (liber amicorum Nico Keijzer), Deventer, 2000;
- The Criminal Justice Systems facing the Challenge of Organised Crime, Netherlands National Report (co-authors Den Boer, M, Sjöcrona, J.M., Veldt, M.I., van der Wilt, H) in: Revue Internationale de Droit Pénal, Vol. 70 no 1-2, 1999, p. 575-629;
- Mechanisms of Developing Procedural Standards in International Adjudication: The Delicate Balance between the Judiciary and the Legislative Powers in Developing the Rules of Procedure in: Nouvelles Etudes Pénales, no 17, 1998, 383-387;
- *(International Tribunals, a new chapter in international criminal procedure)* Internationale Tribunalen: een nieuwe stap in de ontwikkeling van internationaal strafprocesrecht, in: Homo Advocatus (liber amicorum G.Spong), Den Haag 1998, p. 133-149);
- *(Trials in absentia in the Netherlands)* To be or not to be (re)present(ed), that's the question, Delikt en Delinkwent, 1996, p. 1004-1015;

- *(Surrender of suspects to the ICTY)* Overlevering van verdachten aan het Joegoslavië Tribunaal: een terreinverkenning in: Er is meer, opstellen over mensenrechten in internationaal en nationaal perspectief, red. C.H.Brants, C. Kelk en M. Moerings (liber amicorum A.H.J.Swart), Utrecht 1996 p. 51-63;
- Problems with the effective use of prisoner transfer treaties in: The Alleged Transnational Criminal (The second biennial International Criminal Law Seminar 1995), editor: Richard D. Atkins, Martinus Nijhoff The Hague, 1995, p.59-67;
- *(Extradition and prisoner transfer between the Netherlands Antilles and the USA)* Het Koninkrijk doet zijn onderdanen in de uitverkoop, Nederlands Juristenblad 1995, p.898-899;
- - The regionalization of international criminal law, Netherlands National report (co-authors Bonn, M., Haentjens, R.C.P., Smit, A.M.G), in: Revue Internationale de Droit Pénal, 1e et 2e trimestres 1994;
- *(Technical remarks on pleading at trial)* Van de klad in het pleidooi naar het pleidooi in klad in: Spreken is zilver, pleiten is goud (Tobias Asser lustrumbundel) Arnhem 1994, p. 75-85;
- *(The defendant under the Schengen Agreement)* De verdachte op het scheidingsvlak tussen rechtssystemen in: Schengen en de praktijk, Gent (Belgium) 1992, p. 37-46;
- *(The defence counsel under Dutch Law; in German language)* Der Strafverteidiger im Niederländischen Recht in: Europa und Strafverteidigung, Köln 1990. Bericht zum 14. Strafverteidigertag, p. 235-246;
- I es Crimes Internationaux et le Droit Pénal Interne, Netherlands National Report, co-authors Rüter, C.F., Schutte, J.J.E., Swart, A.H.J., in: Revue Internationale de Droit Pénal, Vol. 60, no 1-2, 1989, p. 395-418;
- *(International criminal investigation)* Internationale opsporing in: Internationalisering van het strafrecht, Nijmegen, 1986, p. 165-180;
- *(The rights of the defendant in international judicial assistance in criminal cases)* De verdachte tussen wal en schip of de systeembreuk in de kleine rechtshulp, in: "Bij deze stand van zaken" (liber amicorum A.L. Melai), Arnhem 1983, p. 351-361;
- *(Fair trial in the Menten-case)* Menten en de goede procesorde, Delikt en Delinkwent, nr. 2, febr. 1979, p. 84-95;
- *(The Menten case: disguised extradition)* Werd Menten rechtmatig van Zwitserland naar Nederland gebracht? (een geval van verkapte uitlevering), Rechtsgeleerd Magazijn Themis, nr. 2, 1978, p. 138-157;
- *(International Criminal Law aspects of the Dost-case)* Internationaal strafrechtelijke aspecten van de Dostaffaire, Nederlands Juristen Blad 1976, p. 1045-1059;
- *(Conspiracy against the Queen)* De koningin bedreigd, co-author J.J.I.Verburg, Delikt en Delinkwent 1975, p. 475-489;
- *(A kaleidoscope of International Criminal Law, book review)* Een kaleidoskoop van het internationale strafrecht, Delikt en Delinkwent, nr 8, okt. 1974, p. 403-408.

Teaching experience

Since 1980 (when the position of lecturer at the University of Leyden was left) frequent teaching, lecturing and participating in a great variety of graduate and postgraduate courses, seminars and conferences, mainly on subjects of International Criminal Law, among which:

The law of the International Tribunals, at Arusha School of Law, Arusha;

International Criminal Law, at various colloquia of the International Bar Association, in Dublin, London, Madrid and Munich;

International Criminal Law, at the Universities of Utrecht (the Netherlands), Tilburg (the Netherlands), Maastricht (the Netherlands), Amsterdam (the Netherlands), Rotterdam (the Netherlands, Groningen (the Netherlands), Leyden (the Netherlands), Nijmegen (the Netherlands), Frankfurt (Germany), Vienna (Austria), Athens (Greece), and Siracusa (ISISC, Italy), Sevilla (Spain);

International Criminal Law, at various Association International de Droit Penal-conferences and preparatory colloquia, in Strasbourg (France), Hammamet (Tunesia), Helsinki (Finland), Utrecht (the Netherlands), Hamburg (Germany), Cairo (Egypt), Vienna (Austria), Rio de Janeiro (Brazil) and Budapest (Hungary).

## Kevin Horace Parker (Australia)

Year of birth: 1937

Place of birth: Kalgoorlie, Western Australia

Nationality: Australian

**Legal experience**

| | |
|---|---|
| December 2003-present | **Permanent Judge, International Criminal Tribunal for the former Yugoslavia**. Judge Parker is presently the presiding judge in the trial of Yugoslav Army (JNA) General Pavle Strugar charged in respect of the shelling of Dubrovnik in December 1991 as the highest commander of JNA forces in the region. Judge Parker will next preside over the trial of three commanders of the Kosovo Liberation Army charged in respect of the treatment of Serbian civilians in a prison in Kosovo. Judge Parker is also engaged in the pre-trial preparation of several other cases and is active as a member of the Rules and Sentencing Committees of the ICTY. |
| 1994-2003 | **Judge, Supreme Court of Western Australia**. The Supreme Court deals with the most serious criminal offences at trial level and exercises full appellate jurisdiction over all other courts in Western Australia. Judge Parker sat mostly as an appeal judge in complex criminal and civil appeals at the time of his appointment to the ICTY. |
| 1959-1997 | **Officer in the Citizen Air Force and Specialist Legal Reserve of the Australian Defence Force**. Judge Parker reached the rank of Air Commodore, equivalent to a one-star General. From 1985 until 1997, Judge Parker performed the function of Reviewing Judge Advocate of the Australian Defence Force. From 1977, Judge Parker served as a Judge Advocate in the Legal Specialist Reserve, performing this judicial function at Courts Martial within Australia and overseas. Until 1977, he appeared as a prosecuting or defending officer before Courts Martial. Judge Parker provided legal advice to command authorities on military and other law, and trained Defence Force personnel in their international legal obligations. |
| 1979-1984 | **Solicitor-General of Western Australia**. Judge Parker appeared regularly before the High Court of Australia to argue complex criminal appeals, constitutional cases and other public law cases in which Western Australia was involved. |

| | |
|---|---|
| 1977 | **Appointed a Queen's Counsel** |
| 1972-1974 | **Chief Crown Prosecutor of Western Australia** |
| 1967-1971 | **Senior Assistant Prosecutor of Western Australia** |
| 1960 | **Admitted as a legal practitioner** |
| 1959 | **Graduated with a Bachelor of Laws, University of Western Australia** |

**Other international experience**

| | |
|---|---|
| 1982-1995 | Member, Australian delegation which negotiated maritime boundaries between Australia and Indonesia |
| 1992 | Member, Australian delegation to the United Nations Commission on International Trade Law, Vienna |
| 1982, 1988 | Legal Adviser, Australian delegation to the United Nations Commission on the Law of the Sea, New York and Kingston |

**Professional associations and memberships**

| | |
|---|---|
| 1983-2003 | Member, Australian Law Admissions Consultative Committee. The Committee established standards for all university law courses and practical legal training courses in Australia. Judge Parker also lectured in criminal law, evidence, constitutional law and ethics of legal practice at the University of Western Australia |
| 1992-1995 | Chairman, Legal Practitioners' Disciplinary Tribunal of Western Australia |
| 1979-1992 | Chairman, Barristers' Board of Western Australia |
| 1982-1988 | Member, Council of the Australian Institute of Judicial Administration |
| 1977-1979 | Convenor, Privacy Law Committee, Law Council of Australia |
| 1972-1979 | Member, Council of the Law Society of Western Australia. From 1975, Judge Parker chaired the committee of the Society which conducted continuing legal education for lawyers in Western Australia |

**Awards and honours**

| | |
|---|---|
| 1989 | **Officer of the Order of Australia.** Judge Parker was awarded one of Australia's highest honours, principally in recognition of his contribution to law reform in Australia. From 1979, he was a leading figure in the process which led to the enactment of the *Australia Acts 1986* which severed the final links between the Australian and United Kingdom legal systems. In 1983, |

Judge Parker proposed a scheme to overcome jurisdictional barriers between different courts in Australia which led to the enactment of the *Jurisdiction of Courts (Cross Vesting) Act 1987* in all Australian jurisdictions.

**Fausto Pocar (Italy)**

I. **Civil Status.**

POCAR, Fausto

Born in Milan, February 21, 1939.

Nationality: Italian.

II. **Education and degrees.**

LL.D., University of Milan Law School, *cum laude* (1961).

"Libero Docente" of International Law (1969).

III. **Languages.**

a. Italian (native speaker)
b. French (reading, writing and speaking): excellent.
c. English (reading, writing and speaking): excellent.
d. Spanish (reading, writing and speaking): very good.
e. German (reading, writing and speaking): good.

IV. **Academic and Teaching Experience.**

Professor of International Law, University of Milan (since 1976, currently on leave).

Vice-Rector and member of the Administration Board, University of Milan (1984-97); Founder and Director of the Postgraduate School of EC Law and Economics, University of Milan (1989-2000); Dean of the Faculty of Political Sciences and member of the academic Senate, University of Milan (1981-84); Director of the Institutes of International Law, University of Milan (1980-84, 1986-87, 1991-94).

Member of the Committee on Legal Research of the National Council for Universities (1981-1987).

Professor of European Law (1970-76), Private International Law (since 1885), European Labour Law (1989-1999), University of Milan.

Professor of International Organisations Law at the Faculty of Public Relations, IULM, Milan (1995 2000).

Editor-in-Chief, "Rivista di diritto internazionale privato e processuale" and member of the editorial board of the periodicals "Italian Yearbook of International Law", "La Comunità internazionale" and " Relazioni internazionali".

Professor of International Organizations Law at the Postgraduate School of the University of Parma (1981-1983).

Professor of EC Law at the Johns Hopkins University, Bologna Center (1983-1984).

Courses at The Hague Academy of International Law (1983, 1993, General Course); Director of Studies at the same Academy (1981).

Courses at the "Institut universitaire international", Luxembourg (1979).

V. **Professional Experience in the field of International Humanitarian Law and Human Rights.**

Judge of the International Criminal Tribunal for the former Yugoslavia (as of February 2000) and member of its Appeals Chamber and of the Appeals Chamber of the International Criminal Tribunal for Rwanda (as of April 2000).

Member (1985-2000) and Chairman (1991-1992) of the United Nations Human Rights Committee under the International Covenant on Civil and Political Rights: Vice-Chairman (1987-1988), Rapporteur (1989-1990), Rapporteur for new individual communications (1995-1999), Rapporteur for follow-up of final views (1999-2000).

Special Representative of the United Nations High Commissioner for Human Rights for a visit to Chechnya (1995) and the Russian Federation (1995, 1996).

Invited speaker to several Workshops organised by the UN Centre for Human Rights of the United Nations in various countries: Lomé (1988, 1996), Kigali (1988), Moscow (1988, 1989, 1991), Conakry (1989), Banjul (1989), Tokyo (1989), Ottawa (1990), Belgrade (1990), Sofia (1990), Barcelona (1992), Jakarta (1993), Tunis (1994), Turin (1994, 1996), Port of Spain (1999).

Legal Adviser of the Italian Delegation, 39th to 41st, 45th to 49th Sessions of the UN General Assembly (1984-1986, 1990-1994).

Legal Adviser of the Italian Delegation, UN Commission on Human Rights (1984, 1988-1995).

Member of the Italian Delegation, World Conference on Human Rights, Vienna, 1993.

Italian Delegate and Chairman of the informal Working Group of the UN Commission on Human Rights for the elaboration of a Declaration on the rights of persons belonging to national or ethnic, religious and linguistic minorities (1990-91).

Legal Adviser of the Italian Delegation at the Third Committee of the UN General Assembly (1993).

Member of the Italian Commission on Human Rights (Commissione per i diritti umani presso la Presidenza del Consiglio dei Ministri).

Member of the Council of the International Institute of Humanitarian Law (San Remo).

Member of the board of editors of the following periodicals: "I diritti dell'uomo. Cronache e battaglie" (Rome) and "Pace, diritti dell'uomo, diritti dei popoli" (Padua).

Professor of "Human Rights Law" at the Faculty of Diplomatic and International Sciences of the University of Trieste-Gorizia (1989-1993).

Course "Mise en œuvre universelle et régionale des droits de l'homme" at the Institute of International Public Law and International Relations, Thessaloniki (1994).

Professor of "International Human Rights Law" at the Law Faculty of the University of Milan (1999).

*Rapporteur* at several scientific meetings and Visiting Lecturer in various Italian and foreign Universities and Institutes, dealing with issues related to Human Rights and International Humanitarian Law.

**VI. Associations.**

*Associé* of the *Institut de droit international* (since 1997).

Correspondent Member of the "Istituto Lombardo, Accademia di Scienze e Lettere" (Milan).

Member of the National Board of the Italian Society for International Organisation (SIOI) and former Chairman of its Milan section.

Member of the Italian Society for International Law, of the *Société française de droit international*, and of the American Society of International Law.

President and former Vice-president (1997-2000) and Secretary-General (1982-97) of the Italo-German Association of Jurists.

Member of the Governing Board, Institute for Studies in International Politics (ISPI), Milan.

Member of the International Law Association, and of its Committee on "International Civil and Commercial Litigation".

Member and former Chairman of the European Group for Private International Law.

**VII. Distinctions.**

"Medaglia d'oro" for education, culture and art, awarded by the President of the Italian Republic.

Commander of the Order of the Italian Republic.

"Verdienstkreuz 1. Klasse" of the Federal Republic of Germany.

"Milano Produttiva" award of the Chamber of Commerce of Milan.

## VIII. Other Professional Activities.

Member of the Milan Bar and attorney before the Court of Cassation and the other Italian Superior Courts.

Arbitrator and counsel in national and international cases.

Member of the Scientific Committee of the Institute for the promotion of arbitration (ISDACI), Milan.

Member of the *Association suisse de l'arbitrage* (ASA).

Member of the Italian Delegation, The Hague Conference on Private International Law (1980, 1996-1999).

Italian Delegate, European Patent Organization "Building" Committee, Munich (1980-1981).

Legal Adviser of the Italian Delegation, UN Committee for the Peaceful Uses of Outer Space and Member of its Legal Subcommittee (1984-1995).

*Rapporteur* of the Group *ad hoc* "Revision of the Brussels and Lugano Conventions" of the Council of the European Union (1997-1999).

*Co-Rapporteur* of the Special Commission on the question of Jurisdiction, Recognition and Enforcement of Foreign Judgments of The Hague Conference on Private International Law (1997-2000).

Member of the Scientific Council of the European Union Program "Alfa" (America Latina Formación Académica) (1995-98).

Member of the Control Committee of the Region Lombardy (1971-72).

Member of the Legislative Committee of the Region Lombardy with the Presidency of the regional Administration (1977-82).

Member of the Committee for the Reform of Private International Law, Italian Ministry of Justice (1985-1989).

Chairman of the Organising Committee of the Milan session of the *Institut de droit international* (1993).

## IX. Principal Publications.

Author of several books, among which:

- *L'assistenza giudiziaria internazionale in materia civile*, Padua, 1967.

- *L'esercizio non autorizzato del potere statale in territorio straniero*, Padua, 1974.

- *Diritto delle Comunità europee* (1973), 6th edition, Milan, 2000. (Albanian translation: *E drejta e Komuniteteve europiane*, Tirana, 1995; Spanish translation: *Derecho de la Union y de las Comunidades Europeas*, Buenos Aires, under publication).

- *L'esercizio non autorizzato del potere statale in territorio straniero*, Padua, 1974.

- *Diritto comunitario del lavoro*, Padua, 1983 (Spanish translation: *Derecho comunitario del trabajo*, Madrid, 1988); 2nd ed., 2000.

- *La protection de la partie faible en droit international privé*, Hague Academy Collected Courses, 1984.

- *Il nuovo diritto internazionale privato italiano*, Milan, 1997.

- *Codice del diritto internazionale pubblico*, Turin, 1998.

Articles and essays (about 100) concerning public and private international law, published in various Italian and foreign periodicals. The following list is limited to those devoted to the international protection of human rights and humanitarian law:

- "La trattazione dei ricorsi ricevibili davanti alla Commissione europea dei diritti dell'uomo", *Riv. dir. int.*, 1972.

- "Uguaglianza delle armi e processo equo", *Studi parmensi*, XVIII, 1977.

- "L'integrazione regionale europea e il nuovo ordine economico internazionale", *Affari sociali internazionali*, 1981.

- "O papel das Comunidades Européias no Proceso de Integração Regional e a Nova Ordem Economica Internacional" (with M. Tamburini), in *Direito e Integração*, Brasilia, 1981.

- "Considerations on the legislative function of the Universal Declaration of Human Rights in International Law", *Bulletin of Human Rights*, Special issue, United Nations, New York, 1988 (also in French).

- "La libertà di religione nel sistema normativo delle Nazioni Unite", in *La tutela della libertà di religione* (Ferrari and Scovazzi eds.), Padua, 1988 and, in French and English, *Conscience et Liberté / Conscience and Liberty*, 1989.

- "The International Covenant on Civil and Political Rights", in *Manual on Human Rights Reporting*, United Nations, New York, 1991 (also in French and Chinese).

- "Current Developments and Approaches in the Practice of the Human Rights Committee in Consideration of State Reports", in *The Future of Human Rights Protection in a Changing World. Essays in honour of Torkel Opsahl*, Oslo, 1991.

- "Legal Value of the Human Rights Committee's Views", *Canadian Human Rights Yearbook*, 1991-1992.

- "Prolusione" to *Debito internazionale, principi generali del diritto, Corte internazionale di giustizia* (D. J. Andres and S. Schipani eds.), Rome, 1993.

- "A propos de l'invocabilité de l'article premier du Pacte international relatif aux droits civils et politiques aux termes du Protocole facultatif", in *Verfahrengarantien im nationalen und internationalen Prozessrecht. Festschrift Franz Matscher*, Wien, 1993.

- "Recent Developments in International Procedures for the Protection of Human Rights", in *Law at the Turn of the 20th Century*, Thessaloniki, 1994; also in *Prospects for Reform of the United Nations System*, Padua, 1993.

- "Enhancing the Universal Application of Human Rights Standards and Instruments", UN Doc. A/CONF.157/PC/60/Add.4, 8 April 1993 (in all the official languages of the UN; also in Japanese, *Liberty and Justice*, 44 Japan Fed. of Bar Associations 11, 1993).

- "Il contributo italiano alla protezione dei diritti umani nel sistema delle Nazioni Unite", in *L'Italia e i diritti umani* (S. Marchisio and F. Raspadori ed.), Padua, 1995.

- "Codification of Human Rights Law by the United Nations", in *Perspectives on International Law* (N. Jasentuliyana ed.), The Hague, 1995.

- "Crossover Linkages and Overlaps between Crime Prevention and Criminal Justice and Human Rights", in *The Contributions of Specialized Institutes and NGOs to the United Nations Criminal Justice Program* (Ch. Bassiouni ed.), The Hague, 1995.

- "Notas sobre el derecho de reparacion per detencion ilegal conforme el Pacto internacional de derechos civiles y politicos", in *Héctor Gros Espiell. Amicorum Liber*, Bruxelles, 1996.

- "Droits de l'homme, dette extérieure et Cour de La Haye", in *Diritto alla vita e debito estero* (P. Catalano ed.), Napoli, 1997.

- "La répartition des compétences et la coordination entre les mécanismes onusiens de protection des droits de l'homme", in *L'ONU face à la détention arbitraire* (E. Decaux ed.), Paris, 1997.

"Note sulla giurisprudenza del Comitato dei diritti dell'uomo in materia di minoranze", in *La tutela giuridica delle minoranze* (S. Bartole, N. Olivetti Rason, L. Pegoraro eds.), Padua, 1998.

"La impunidad frente al Comité de derechos humanos de la ONU", in *Contra la impunidad*, Barcelona, 1998.

"Un avvenimento importante nello sviluppo delle relazioni internazionale" (the establishment of the ICC), in *Acque & Terre*, Venice, 1998.

"Creazione della Corte Penale Internazionale", in *Relazioni Internazionali*, Milan, 1998.

"Extradition and Human Rights", Proceedings of the Workshop held in Ferrara, November 1999.

Human Rights Law and Humanitarian Law: crossover linkages (to be published in Essays in honor of Judge A. Cassese, 2001).

## Yenyi Olungu (Democratic Republic of the Congo)

[Original: French]

1. Surname: YENYI OLUNGU
2. Forename: Victor
3. Place and date of birth: Onyumbe, 25 October 1942
4. Marital and family status: Married to SANDJA-LIKE, Pauline; father of six children
5. Greek and Latin studies, Collège Saint-Louis of Kananga, 1965
6. Bachelor of Philosophy and Letters, Lovanium University, 1968
7. Bachelor of Laws, University of Kinshasa, 1972
8. Procurator-General, 29 November 1990
9. Advocate-General of the Republic, 24 April 1992
10. Senior Advocate-General of the Republic, since 12 April 2002
11. Representative of the Magistrature at the Sovereign National Conference, 1991-1992
12. Directeur de Cabinet at the Ministry of Justice, 1993-1994
13. Representative of the Democratic Republic of the Congo (Zaire) at the World Conference on Human Rights in Vienna, June 1993
14. Representative of the Democratic Republic of the Congo (Zaire) at the Cairo Consultation on the Organization of African Unity (OAU) Mechanism for Conflict Prevention, Management and Resolution, May 1994
15. Representative of the Democratic Republic of the Congo (Zaire) at the Regional Conference on Assistance to Refugees, Returnees and Displaced Persons in the Great Lakes Region, Bujumbura, February 1995
16. Member of the United Nations Administrative Tribunal in New York, 1997-1999
17. Member of the Scholarly Committee for the Congolese edition of the Codes Larcier, since May 1999
18. Expert for the preparation of the draft Congolese code of the rights of the child, 2001
19. Consultant and training officer for the non-governmental organization Avocats sans frontières (Lawyers Without Borders), Belgium, 2002
20. Chairman of the conference on advocacy for and preparation of a bill to implement the Rome Statute of the International Criminal Court, 21-25 October 2002
21. Expert and member of the Permanent Commission on Legal Reform in the Democratic Republic of the Congo, 2002
22. Directeur de Cabinet of the Minister of Justice, since July 2003

23. Publications: "Évolution du droit constitutionnel zaïrois: cas de l'Acte du conclave et l'Acte constitutionnel de la transition", *Justice et paix*, No. 14; *Cour Suprême de Justice: historique et textes annotés de procédure* (Ntambua, Editions Batena, 2000), 183 pp.

24. Languages spoken: French and English (second level)

I certify that the information provided above is genuine and verifiable.

Done at Kinshasa on 3 September 2004.

(*Signed*) YENYI OLUNGU, Victor

## Sharada Prasad Pandit (Nepal)

1. Name : Hon. Sharada Prasad Pandit (Mr.), son of late Ambika Prasad Pandit, District Judge of Nepal and late Mrs. Basundhara Devi Pandit. Married Uma Devi Pandit "Madhushree" in 1963. Three sons, Sujeet, Sudesh and Sunil.

2. Date of Birth : 15th December, 1942

3. Place of Birth : Simpani, Ward No. 3

Tanhunsur Village Development Committee,

Tanahun District, Gandaki Zone, Nepal

4. Address

Home: 424 Puja Pratisthan Road, Baneshwor Height, Metropolis-10, P.O.Box. 3777, Kathmandu, Nepal

Tel: 00977-1-474658, # 4462135

Email: sharadapandit@yahoo.com

Office: Supreme Court of Nepal,

Ramshahpath, Kathmandu

Tel: 00977-1-42628901

Fax: 00977-1-4262878

website: www.supremecourt.gov.np

5. Nationality : Nepali

6. Education:

a) Master Degree of Arts (M.A. Political Science), 1971

Major Subjects: International Relations, International Law and International Organization

Tribhuvan University, Kathmandu, Nepal

b) Master Degree of Laws (LL.M. International and Comparative Law), 1977

Major Subjects: International Criminal Law, Humanitarian Law and International Economic Cooperation and EEC(EU) Laws

Virge University, Brussels, Belgium

c) Research Fellow in the seminar of Legal Regime on International Rivers, paper presented on "Freedom of Navigation on International Rivers", Center for Research and Studies, the Hague Academy of International Law, the Hague, 1977

d) Proficiency in Extra Foreign Language:

- First Degree in French Language (Français ler Degré, Institute De Phonètique, Université Libre de Bruxelles), Brussels, Belgium, 1976
- Second Degree in French Language (Français 2e Degré, Institute De Phonètique, Université Libre de Bruxelles), Brussels, Belgium, 1976

**7. Present Judicial Position :** Justice, Supreme Court of Nepal. Appointed by His Majesty the King under the recommendation of Judicial Council in accordance with the Article 91 of the Constitution of the Kingdom of Nepal; April 2004, and took oath of office on 21 April, 2004.

**Responsibilities :**

- to hear the constitutional cases relating to the humanitarian laws and human rights
- to declare ultra vires the laws to the extent inconsistency to the constitution through judicial review
- to hear the cases on criminal and civil law and provide justice settling the relevant disputes under the appellate jurisdiction specified cases by law.

- to interpret the international treaties (in which Nepal is a party) and international conventions relating to International Humanitarian law, human rights law, and criminal law to domesticate its application harmonizing with the treaty law of Nepal.

**8. Judicial Positions Held**

| | |
|---|---|
| 2003-2004 (March) | Chief Judge, Court of Appeal, Biratnagar, Kosi Zone, Nepal |
| 1999-2002 | Chief Judge, Court of Appeal, Rajbiraj, Sagarmatha (Mount Everest) Zone, Nepal |
| 1994-1995 | Chief Judge, Court of Appeal, Dipayal, Nepal |
| 1994 – 1995 | Judge, Court of Appeal, Ilam, Nepal |
| 1991-1994 | Judge, Court of Appeal, Butwal, Nepal |
| 1985 – 1990 | Regional Attorney (Gazetted Class 1st), Regional Offices, (Dipayal; & Pokhara) Under the Office of the Attorney General, Nepal |
| 1981 – 1984 | Legal Officer (Under Secretary, deputed to Ministry of Industry), Ministry of Law and Justice, Kathmandu, Nepal |
| 1976 – 1980 | Government Pleader and Public Prosecutor, (Gazetted Class 2nd), Zonal Office, (Jumla; & Kathmandu) Under Office of the Attorney General, Nepal |
| 1971-1975 | Section Officer, Ministry of Law and Justice, Kathmandu, Nepal |
| 1970-1971 | Section Officer, (Law Clerk to Justice Dhanedra Bahadur Singh (Mr.) of the Supreme Court, Kathmandu, Nepal |

9. Training

a. Training Course in Management Skill, Staff Training Program, His Majesty's Government of Nepal, Kathmandu, Nepal, 1975

b. CEDA Training Course in Management Development, Tribhuvan University, Kathmandu Nepal, 1978

c. WIPO-CEIPI Training Course in Industrial Property Law, Geneva & Strasbourg (Switzerland & France), Bombay & Delhi, India, 1984

10. Language: Nepali (Native), English (Medium of Education), French (Speaking and Writing)

11. Seminar Attended

a. "Negotiating with Transnational Corporations" Organized by UNCTCs held in Kathmandu, Nepal, 1982

b. "Transnational Corporations in South East Asia & Pacific Region" organized by UNCTCs held in Bangkok, Thailand, 1983

c. "Transnational Corporations in Petroleum", Organized by UNCTCs, held in Kathmandu, Nepal, 1984

d. "Prevention of Crime and Treatment of Offenders" organized by UNAFEI held in Kathmandu, Nepal, 1990

e. Workshop on "An Introduction to Refugee Law", organized by UNHCR, held in Biratnagar, Nepal, 1996

f. Interaction Program on "Natural Resources and Justice" organized by Judges' Society Nepal held in Biratnagar, Nepal, 2001

12. Other Activities

1995-1997: Guest Lecturer of LL.M. Class, Nepal Law Campus, Tribhuvan University, Kathmandu, Nepal

1991: Election Officer, First General Election held in the Constitutional Monarchy and Parliamentary Multi Party Democracy in accordance with the

Constitution of the Kingdom of Nepal, 1990, Constituency NO.1, Kaski District, Gandaki Zone, Nepal

1981-1984 Board of Directors, Stock Exchange, Kathmandu, Nepal & Mineral Exploration Project, Kathmandu, Nepal

1980-1983 Visiting Lecturer (Moot Court), Nepal Law Campus, Tribhuvan University, Kathmandu, Nepal

1973-1974 Attended Meetings of Royal Law Commission, Nepal in the capacity of an office secretary (Section Officer) for two years and got appreciation on the preface of the published Draft Penal Code,1973 by the Commission for extending creative help in drafting Draft Penal Code including Report, submitted to His Majesty the King of Nepal.

13. Meeting/Conference Attended:

- Loan negotiation with International Finance Corporation in Washington D.C., USA, 1982
- Ad hoc Intergovernmental Meeting on Problem on Transnational Corporations in South, South East Asia and Pacific Region held in Bangkok, Thailand, 1983
- 8th SAARC Law Conference (International) held in Kathmandu, Nepal, 22nd – 24th September, 2000
- 4th, 5th, 6th, 7th, 8th, 9th , 10th, 11th Conferences of Justices of the Supreme Court and Chief Judges of the Courts of Appeal held in Kathmandu Nepal, 1996-2003

14. Member of the Learned Society

- Judges' Society Nepal, Kathmandu, Nepal
- SAARC Law Nepal, Kathmandu, Nepal

15. LLM Dissertation:

"Developing Rights of Landlocked States & Law of the Sea: its significance in the case of Nepal" submitted to Brussels University, 1977

16. Paper Presented/Published

a. "Developing Legal Practice in Nepal: Some Problems and Suggestions" published in Gorkhapatra, Kathmandu, Nepal evaluated as a research article by Public Service Commission, Kathmandu, Nepal, 1968

b. "Nepal & Transnational Corporations" published in the proceedings of UN Doc CTC/ESCAP/MICT/4, ESCAP Bangkok, Thailand, 1983 and reprinted in Industrial Digest, Kathmandu, Nepal, 1984

c. "Freedom of Navigation in International Rivers: its significance on access to the sea via River Ganges in the case of Nepal " presented at the Center for Research & Studies , the Hague Academy of International Law, the Hague, Holland, 1977

d. Prepared Report on National & International River Navigation in the context of the Right of Riparian & Nonriparian countries in accordance with the established principles of International Law & Convention on the Law of the Sea: Drafted Land Navigation Act and Rules submitted to Ministry of Work and Transport, His Majesty's Government of Nepal in the form of a Research Project, 1985, through the agency of Bienvenue Research Center, Kathmandu, Nepal

e. Prepared a working paper on "Measures for the Promotion of the Effective role of the Judiciary" submitted to 4th Conference of Justices of the Supreme Court of Nepal and Chief Judges of the Courts of Appeal held in Kathmandu, Nepal, 1996

17. Country Visited:

USA, England, Belgium, France, Germany, Holland, Luxembourg, Japan, Thailand, Hong Kong, Switzerland, India

18. Hobby/Interest

Travel to natural beauties including Himalayan regions

Study authoritative books and research articles

Playing Table Tennis

29. References:

Rt. Hon'ble Govinda Bahadur Shrestha, Chief Justice of Nepal, Supreme Court, Ramshahapath, Kathmandu, Nepal, Tel: 977-1-4262845, Fax: 977-1-4262878

Rt. Hon'ble Kedar Nath Upadhyaya, Ex-Chief Justice of Nepal, Baneswor, Kathmandu, Tel: 977-1-4494230

## Vonimbolana Rasoazanany (Madagascar)

**Registrar**

- Rasoazanany, Vonimbolana
- Born on 13 November 1950 in Antananarivo, Madagascar
- Married, 3 children
- Nationality: Malagasy

**Title**

- Magistrate of first rank (since 1 January 1996)
- Holder of the post of Chamber President to the Supreme Court

**Present function**

- Ad litem judge to the International Criminal Tribunal for the Former Yugoslavia (The Hague) assigned to Trial Chamber II since November 2003

**Diplomas**

- 1971: Baccalaureate, option Philosophy
- 1975: Bachelor in Law (University of Antananarivo)
- 1975: Diploma of the Judiciary Studies Institute (University of Antananarivo)

**Professional experience**

- 1976-1978: Substitute to Prosecutor, Diégo-Suarez
- 1978-1981: Coroner and Judge at the Jurisdiction, Ambositra City: Coroner in charge of instructing, investigating about blood crimes, big robberies, oxen robberies, slaughtering etc.

  Judge assigned to judge all criminal, civil affairs
- 1981-1985: Coroner and Judge at the first Instance Jurisdiction, Antsirabe City
- 1985-1990: Counsellor of Antananarivo Court of Appeal: judging all criminal, correctional, civil affairs, objects of appeal, President of Criminal Court
- 1991-2002: Counsellor for the Supreme Court, member elected by the National Assembly to the Formation of Control of the Supreme Court

  Magistrate Inspector of Tribunal of first instance and the Courts
- 12 June 200[illegible]. Elected as ad litem judge to the International Criminal Tribunal for the Former Yugoslavia for a mandate of four years (12 June 2001-11 June 2005)
- June 2002: Named Director of the Studies and Exterior Relations at the Ministry of Justice
- November 2003: Ad litem judge to the International Criminal Tribunal for the Former Yugoslavia

**Certificates**

- 1999: Certificate on the Operations of Peace Keeping (Legal Aspects of Peace Operations) delivered by the United States Defense Institute of International Legal Studies
- 1999: Certificate on the "Struggle against Drugs and Drug Addictions" delivered by International Policy Department Cooperation (France Embassy)
- 2000: Certificate of participation on training about magistrate trainers
- 2001: Certificate of participation to the session of formation on the human rights, delivered by UNHCR
- 2002: Certificate of participation to the formation of the Judges relative to the "Judicial System for the cases bound to the drugs in Southern and Oriental Africa" organized by ODCCP (Pretoria, South Africa)

**Other professional activities**

- 1985-1986: Assistant Professor of Civil Law at the University of Antananarivo, Madagascar
- 1992: Member Expert of the Drafting Committee of the Constitution of Madagascar
- 1993-1996: Member of Magistrates Association of Madagascar as Counsellor
- 1997: Member of the team on the Humanization of detention awaiting trial (2,497 out of 3,000 detainees for more than five years have been judged)
- 1998-2003: Member of the Working Group for the Promotion of Human Rights (American Embassy)
- 2000: Collaborator with UNDP consultant on the preparation of the joint review of the programmes on human rights
- 2000: Collaborator with UNICEF Consultant on the World Report on the Children's Summit 2000 (Madagascar)
- Since 2000: Member of the African League of Human Rights and People
- Since 2002: Member of the National Malagasy Committee Defence of Human Rights
- Since 2002: Member of the Union for the Protection of Human Rights

**Seminars and conferences**

- 1996: Workshop on the Jurist Women
- 1996: Workshop on Defence Rights, Barristers Roles
- 1998: National Conference on "The strategy on how to improve the judge's job"
- 2000: "Fight against corruption" (Lecturer)
- 2000: "Human Rights and Christianity" (Lecturer)

- 2001: OAU Conference-Civil Company, "Development of a partnership for the promotion of peace and development in Africa" (Addis Ababa, Ethiopia)

**Training**

- 1999: Training on the Operations on Peace Keeping, organized by the United States Defense Institute of International Legal Studies
- 1999: Training on the Right and Management
- 2000: Training on the Inspection of the Jurisdictions
- 2000: Training on the Rights of the Refugees, organized by UNHCR

**Knowledge in computer science**

- MS WORD 97, 2000, XP under WINDOWS
- MS EXCEL 97, 2000, XP under WINDOWS
- Internet

**Linguistic knowledge**

- Malagasy: maternal language
- French: read, written and spoken fluently
- English: good knowledge

**Publications articles**

- Struggle against corruption (2000)
- Role of international penal courts in the establishment of the responsibility before the justice and the institution of the state of right (2001)

**Honorary distinctions**

- Chevalier de l'Ordre National
- Officier de l'Ordre National

**Patrick Lipton Robinson (Jamaica)**

## QUALIFICATIONS

Middle Temple, London – Barrister of Law

Kings College, University of London – LL.M. (International Law)

University College of the West Indies – B.A. (English, Latin, Economics)

## PROFESSIONAL EXPERIENCE

**1998 - Present**

***Judge of the United Nations International Criminal Tribunal for the former Yugoslavia (ICTR)***, Presiding Judge of Trial Chamber III; Member of the Bureau of the Tribunal; Member of the Tribunal's Working Group on Judicial Practices; Member of the Tribunal's Publication Committee;

**1996 – Present**

***Member of UNESCO International Bioethics Committee*** (Vice-Chairman in 2002);

**1995**

***Member of the Truth and Justice Commission of Haiti***;

**1991-1995**

***Member of the International Law Commission***; Member of the Commission's Working Group on (a) Drafting of the Statute for an International Criminal Court; (b) International Liability for Injurious Consequences Arising out of Acts not prohibited by International Law; Member of the Commission's Drafting Committee on the Draft Code of Crimes against Peace and Security of Mankind;

**1987 - 1995**

***Member of the Inter-American Commission on Human Rights, Chairman of the Commission (1991)***;

**1986 – 1998**

***Deputy Solicitor-General***, Attorney-General's Department, Jamaica

**1977 – 1986**

***Senior Assistant Attorney-General*** and Director, International Law Division, Attorney-General's Department, Jamaica;

**1975-1977**

***Assistant Attorney-General***, Attorney-General's Department, Jamaica;

**PROFESSIONAL EXPERIENCE contd.**

1973-1975

***Crown Counsel***, Attorney-General's Department, Jamaica;

1972-1973

***Legal Advisor*** in the Ministry of Foreign Affairs, Jamaica;

1968-1971

***Crown Counsel***, Director of Public Prosecutions, Jamaica.

**PUBLICATIONS AND RESEARCH**

Mr. Robinson has published extensively on international legal issues. The following is a selection of some of his recent publications and research projects.

2002 "Human Rights and State Power in Troubled Times", West Indies Law Journal, Vol. 27(1) 2002, p49;

2002 "The Missing Crimes" in "The Rome Statute of the International Criminal Court: A Commentary" (Editors, Professor Antonio Cassese, Paola Gaeta and John R.W.D. Jones), published by Oxford University Press, 2002, p497;

2000 "Ensuring Fair and Expeditious Trials at the International Criminal Tribunal for the Former Yugoslavia", 11 European Journal of International Law 2000, p 69;

1998 "Criteria to test the Development Friendliness of Investment Agreement," Transnational Corporations, Vol. 7., No. 1, April 1998;

1993 "Treaty Negotiations, Drafting, Ratification and Accession by CARICOM States" published in the West Indian Law Journal, Vol 18., No. 2;

1992 "The Inter-American Human Rights System", West Indian Law Journal, Vol. 17, pg.8, May 1992;

1986 "Common Ownership and Development of Extra-territorial (Maritime) Resources of the region" West Indian Law Journal, Vol. 10, May 1986.

**AWARDS AND HONOURS**

Awarded the **Commander of the Order of Distinction** (CD) by the Government of Jamaica in 1986 for services in the field of International Law;

**Pelican Award** from the University of the West Indies (Guild of Graduates) in 2000 for services to Jamaica in the field of International Law;

Honoured by the **Jamaican Bar Association** in 2002 for services in the field of International Law;

***Member of the American Society of International Law and the British Institute of International and Comparative Law.***

**Wolfgang Schomburg (Germany)**

Born in Berlin-Spandau (9 April 1948). Married, two children

**I) Professional carreer:**

| | |
|---|---|
| since Oct. 2003 | **Judge of the Appeals Chamber of ICTY and ICTR**<br>Member of the Bureau<br>Member of the Judicial Practices Workin Group<br>Member of the Working Group on Defence Counsel |
| Nov. 2001-Sep. 2003 | **Judge of the ICTY (presiding judge of Chamber II)**<br>Member of the Working Group on the Working Methods of the Appeals Chambers<br>Member of the Working Group on Defence Counsel<br>Member of the Working Group on Sentencing Practice |
| 2000-2001 | **Private Expert** in Criminal Matters, lawyer, working on behalf of the **Council of Europe**<br>Drafts of and opinions on Codes of Criminal Procedure and Implementation of Council of Europe Conventions in the Penal Field in<br>- Bosnia and Herzegovina<br>- Moldova<br>- Russia and<br>- Ukraine |
| 1995-2000 | **Judge** at the Federal High Court (Karlsruhe) – First Chamber in Criminal Matters and Investigating Judge |
| 1991-1995 | **Lawyer** in Berlin assisting clients (victims and suspects) in international criminal cases (e.g. in France-Paris and the island of La Reunion -, The Netherlands, Mauritius, The United States of America, The United Kingdom) |
| 1989-1991 | **Undersecretary of State** at the Senate Justice Department, Berlin |
| 1986-1989 | **Senior Public Prosecutor** in Berlin (West) |
| 1984-1986 | **Judge** (Criminal Matters) at the Berlin Regional Court (West) |
| 1983-1984 | Seconded to the Federal Prosecutor |
| 1981-1983 | Seconded to the German Parliament (Bundestag/Lower House) Bonn Research Assistant/Criminal Law and Law of Criminal Procedure) |
| 1979-1981 | Seconded to the Federal Prosecutor |
| 1974-1979 | **Public Prosecutor** in Berlin (West) |
| 1974 | 2nd State Examination |
| 1973 | London School of Economics. Summer course in Legal Language |
| 1971 | 1st State Examination in Law |
| 1966-1971 | Studied at the "Freie Universität Berlin" |

**II) Related activities**

| | |
|---|---|
| since 1993 | Lecturer/Expert in Seminars on International Criminal Law on behalf of the Council of Europe - especially on missions in the<br>- Baltic States,<br>- Georgia,<br>- Moldova,<br>- Russia and<br>- Ukraine<br>as well as guest lecturer at Institutes of the United Nations, such as<br>- UNAFEI (Tokyo) and<br>- ISCIS (Italy) |
| 1993-1997 | Senior Lecturer at the Faculty of Law at the Freie Universität Berlin |
| since 1993 | Lecturer at the German Judges Academy, the German Police-Academy<br>and - case by case - the European Law Academy (Paris, Brussels, Helsinki, Trier) and the Harvard Law School |
| since 1991 | Examiner for the Berlin Law Examinations Board (chairman since 1995) |

**III) Professional Associations**

- The International Association of Penal Law/Association internationale de droit pénal (AIDP), especially active participation at conferences held in Freiburg, Helsinki, Rio de Janeiro, Utrecht.
- The Society for the Reform of Criminal Law
- Various national law-societies

**IV) Publications**

More than 70 publications

Editor and co-author of the German Standard-Commentary on International Co-operation in Criminal Matters (3 rd ed., Munich 1998, 1605 pages)

## Mohamed Shahabuddeen (Guyana)

Personal particulars:

- Born 7 October 1931, Vreed-en-Hoop, Guyana. Citizen of Guyana.

Qualifications:

- LL.B. (London), 1953
- Called to the Bar (Middle Temple, London), February 1954
- LL.M. (London), 1958
- B.Sc. (Econ.) (London), 1959
- Queen's Counsel (Q.C.), March 1966
- Senior Counsel (S.C.), February 1970
- Ph.D. (London), 1970
- LL.D. (London), 1986
- LL.D. (Univ. West Indies) (*honoris causa)* 1992
- Honorary Bencher of the Middle Temple, 1993

Present international positions:

- Judge, International Criminal Tribunal for the Former Yugoslavia (16 June 1997 – 16 November 2005); normally in the Appeals Chamber. Vice-President of the Tribunal from 17 November 1997 to 16 November 1999, and again from 16 November 2001 to 26 February 2003

- Judge, International Criminal Tribunal for Rwanda (Appeals Chamber) – 17 November 1997 to 16 November 2005

Previous international position:

- Judge, International Court of Justice (1988-1997)

Previous positions in Guyana:

- Counsel, private legal practice, August 1954 - May 1959
- Magistrate, May 1959 - August 1959
- Crown Counsel, August 1959 - April 1962
- Solicitor-General, April 1962 - July 1973 (with the rank of a Justice of Appeal) as from May 1971)
- Attorney-General, 1973-1987
- Minister of Legal Affairs, 1978-1987
- Acting Minister of Foreign Affairs, from time to time from 1978 to 1987
- Other senior Ministerial positions, including First Deputy Prime Minister and Vice-President

Related experience:

- Member, Guyana delegation to the United Nations, 1972
- Member, Board of Governors, University of Guyana, 1963-1965
- Member, Council of Legal Education of the Commonwealth Caribbean, 1973-1987
- Member (with the rank of Ambassador), Guyana/Venezuela Mixed Boundary Commission, 1966-1970
- Member of Guyana delegations to numerous international negotiations and conferences (1962-1987), including:
  - United Nations Conference on Succession of States in respect of Treaties, Vienna, 1977
  - Commonwealth Heads of Government Conferences at Lusaka (1979), Melbourne (1981), New Delhi (1983), Nassau (1985), and Vancouver (1987)
  - Cancun North/South Summit (1981)
  - General Assembly of the Organization of American States, Saint Lucia, December 1981
  - Meetings of Ministers of Foreign Affairs of Non-Aligned Countries, Georgetown (1972) and New Delhi (1981)
  - Meeting of the Co-ordinating Bureau of the Movement of Non-Aligned Countries, Algiers, 1981
  - Conference of Heads of State or Government of Non-Aligned Countries, New Delhi (1983)
  - Commonwealth Caribbean Heads of Government Conferences at Ocho Rios (1982), Port-of-Spain (1983), Nassau (1984), Georgetown (1986) and St. Lucia (1987)
  - Commonwealth Law Ministers Meetings - Lagos (1975), Barbados (1980), Sri Lanka (1983), and Harare (1986)
  - Commonwealth Law Conference, Hong Kong (1983)
- Arbitration (ICC - Paris), 1997-2001
- Member, Permanent Court of Arbitration – 1998 to the present time

Organizations:

- Member (prior to being a Judge) of the Guyana Bar Association, itself a member of the Organisation of Commonwealth Caribbean Bar Associations
- Member of the Commonwealth Association of Legislative Counsel (1983)
- Honorary Member of the American Society of International Law (President, Jessup International Law Moot Court, Washington, 1991)
- Headquarters Member, International Law Association
- Member, Institute of International Law *(Institut de droit international)* (First Vice-President, 1999 – 2001)
- *Membre, Société française pour le droit international*
- Associate Member, International Academy of Comparative Law
- Member, Advisory Board, The African Society of International and Comparative Law
- Honorary Life Member, The Indian Society of International Law
- Member, Advisory Board, *European Journal of International Law*

- Member, Advisory Board, *Journal of International Criminal Justice*
- Member, Board of Honorary Editors, *Chinese Journal of International Law*
- Member, Advisory Board, *The Law and Practice of International Courts and Tribunals: A Practitioner's Journal*
- Member, Board of Electors of the Whewell Professorship of International Law of Cambridge University (1994-1998)
- *Membre, Haut comité de Patronage, Euxodie (Aide internationale aux universitésACP)*

Books include:

- *The Legal System of Guyana* (Georgetown, 1973)
- *Constitutional Development in Guyana, 1621-1978* (Georgetown, 1978)
- *Precedent in the World Court, Hersch Lauterpacht Memorial Lectures* (Cambridge University Press, 1996)

Papers:

- The Role of the Lawyer in Developing Guyana (Georgetown, 1974)
- Towards Industrial Justice in Guyana (Georgetown, 1974)
- "Law Reform in Guyana", Guyana Bar Association Review, December 1981
- "Refresher Courses: Compulsory or Optional?", *Proceedings of the Commonwealth Law Conference*, Hong Kong, September 1983
- "Slavery and Historiographical Rectification", in Proceedings of the International Round Table to Commemorate the 150th Anniversary of the Abolition of Slavery in the Anglophone Caribbean, published by the Guyana Commemoration Committee with the assistance of UNESCO, 1985
- "The ICJ: First Impressions", Address, Research Centre for International Law, University of Cambridge, February 1991
- "The ICJ: An End to Underemployment", *Proceedings of the American Society of International Law*, April 1991
- "The ICJ: Selected Aspects", Address, Columbia University, April 1991
- "The ICJ: The Integrity of an Idea", in *International Law in Transition - Essays in Memory of Judge Nagendra Singh*, 1992, p. 341
- "The ICJ: The Road to Universality", Address, Council of Legal Education of the Commonwealth Caribbean, Trinidad and Tobago, 21 February 1992
- "The International Court of Justice: The View from the West Indies", Address, Law Association of Trinidad and Tobago, 5 December 1992
- "Developing Countries and the Idea of International Law", in *Essays in Honour of Wang Tieya* (ed. R.St.J. Macdonald), 1993, p. 72
- "Municipal Law Reasoning in International Law," in Vaughan Lowe and Malgosia Fitzmaurice (eds.), *Fifty Years of the International Court of Justice* (Cambridge, 1996), pp. 90-103
- "The International Court of Justice: Image, Mission, Mandate", The First Taslim Elias Memorial Lecture, Nigerian Society of International Law, 19 May 1994
- "The Hersch Lauterpacht Memorial Lectures," Cambridge University, November 1994

- "The World Court at the Turn of the Century", in A.S. Muller, D. Rai and J.T. Thuránszky (eds.), *The International Court of Justice: Its Future Role AfterFifty Years* (The Hague, 1996), pp. 3-29
- "The Evolution of the Global Legal Framework", in *Boutros Boutros-Ghali, Amicorum Discipulorumque Liber* (Brussels, 1998), Vol. 1, pp.701-724
- Note on Third Party Intervention in International Litigation, *Annuaire de l'Institut de droit international*, Session de Berlin, Vol. 68-I, 1999 (Paris, 1999), pp 229-239
- "Duress in International Humanitarian Law", in C.A. Armas Barea et al. (eds.), *Liber Amicorum 'In Memoriam' of Judge José Maria Ruda* (Kluwer, 2000), pp.563-574
- "The competence of a tribunal to deny its existence", in *International Law in the Post-Cold War World, Essays in Memory of Li Haopei* (London, 2001), pp. 473 ff
- "Consistency in Holdings by International Tribunals", in N. Ando et al. (eds.), Liber Amicorum *Judge Shigeru Oda* (The Hague, 2002), pp. 633-650.
- "Policy-Oriented Law in The International Criminal Tribunal for the Former Yugoslavia", in L.C.Vohrah et al. (eds.), *Man's Inhumanity to Man* (The Hague, 2003), pp. 889-898.
- "Some Aspects of the ICTY," in Andrea Giardina and Flavia Lattanzi (eds.), *Essays in Honour of Gaetano Arangio-Ruiz* (Naples, 2004), pp. 1423-1494.
- "Customary International Law and *nullum crimen sine lege*", Lecture, European University Institute, Florence, Italy, 28 May 2004; also in 2004 *EJIL* forthcoming.
- "The International Criminal Process and the Global Community" in *The Integrationist*, Georgetown, Guyana, 2004 (forthcoming).

International Court of Justice (February 1988 – February 1997)

Participated in all cases and gave individual judicial opinions in:

- UN Headquarters Agreement, *I.C.J. Reports 1988*, p. 12, at pp. 57-64
- Border and Transborder Armed Actions, *I.C.J. Reports 1988*, pp. 69, at pp. 133-156
- Aerial Incident of 3 July 1988, *I.C.J. Reports 1989*, p. 132, at pp. 145-160
- Land, Island and Maritime Frontier Dispute (Composition of Chamber), *I.C.J. Reports 1989*, p. 162, at pp. 165-172
- Applicability of Article VI, Section 22, of the Convention on the Privileges and Immunities of the United Nations, *I.C.J. Reports 1989*, p. 177, at pp. 212-221
- Land, Island and Maritime Frontier Dispute (Application for Permission to Intervene), *I.C.J. Reports 1990*, p. 3, at pp. 18-62
- Arbitral Award of 31 July 1989, Provisional Measures, *I.C.J. Reports 1990*, p. 64, at pp. 74-78
- Passage through the Great Belt, *I.C.J. Reports 1991*, p. 12, at pp. 28-36
- Arbitral Award of 31 July 1989 (Guinea-Bissau/Senegal), *I.C.J. Reports 1991*, p. 53, at pp. 106-119
- Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United Kingdom)(Provisional Measures), *I.C.J. Reports 1992*, p. 3, at pp. 28-32
- Questions of Interpretation and Application of the 1971 Montreal Convention arising from the Aerial Incident at Lockerbie (Libyan Arab Jamahiriya v. United

States of America) (Provisional Measures), *I.C.J. Reports 1992*, p. 14, at pp. 140-142

- Certain Phosphate Lands in Nauru (Nauru v. Australia), Preliminary Objections, *I.C.J. Reports 1992*, p. 240, at pp. 270-300
- Maritime Delimitation in the Area between Greenland and Jan Mayen (Denmark v. Norway), *I.C.J. Reports 1993*, pp. 30-210
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro)), Further requests for Provisional Measures, *I.C.J. Reports 1993*, pp. 353-369
- Territorial Dispute (Libyan Arab Jamahiriya/Chad), *I.C.J. Reports 1994*, pp. 42-48
- Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain), Jurisdiction and Admissibility, *I.C.J. Reports 1995*, pp. 51-66
- East Timor (Portugal v. Australia), *I.C.J. Reports 1995*, pp. 119-128
- Request for an Examination of the situation in accordance with paragraph 63 of the Court's Judgment of 20 December 1974 in the Nuclear Tests Case (New Zealand v. France), *I.C.J. Reports 1995*, pp. 312-316
- Land and Maritime Boundary between Cameroon and Nigeria (Cameroon v. Nigeria), Provisional Measures, *I.C.J. Reports 1996(I)*, p. 28
- Legality of the Use by a State of Nuclear Weapons in Armed Conflict, *I.C.J. Reports 1996 (I)*, pp. 97-100
- Legality of the Threat or Use of Nuclear Weapons, *I.C.J. Reports 1996 (I)*, pp. 375-428
- Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia), *I.C.J. Reports 1996 (II)*, pp. 634-630
- Oil Platforms (Islamic Republic of Iran v. United States of America), *I.C.J. Reports 1996 (II)*, pp 822-841

International Criminal Tribunal for the Former Yugoslavia and
International Criminal Tribunal for Rwanda (1997 to the present)

Participated in numerous judgments and decisions (practically all appellate) and gave individual judicial opinions in:

- Prosecutor v. Erdemović - IT-96-22-T*bis* - 5 March 1998
- Prosecutor v. Bagosora - ICTR-98-37-A - 8 June 1998
- Prosecutor v. Kovačević - IT-97-24-AR73 - 2 July 1998
- Prosecutor v. Blaškić - IT-95-14-T - 21 July 1998
- Prosecutor v. Nyiramasuhuko - ICTR-97-21-A - 28 October 1998
- Prosecutor v. Nsengiyumva - ICTR-96-12-A - 3 June 1999
- Kanyabashi v. Prosecutor - ICTR-96-15-A - 3 June 1999
- Prosecutor v. Tadić - IT-94-1-A - 15 July 1999
- Prosecutor v. Delalić - IT-96-21-T - 25 October 1999
- Barayagwiza v. Prosecutor - ICTR-97-19-AR72 - 3 November 1999
- Prosecutor v. Tadić - IT-94-1-A - 26 January 2000
- Prosecutor v. Blaškić - IT-95-14-T - 3 March 2000
- Barayagwiza v. Prosecutor - ICTR-97-19-AR72 - 31 March 2000
- Semanza v. Prosecutor - ICTR-97-20-A - 31 May 2000
- Kambanda v. Prosecutor - ICTR-97-23-A - 13 June 2000

- Prosecutor v. Furundžija - IT-95-17/1-A - 21 July 2000
- Ngeze v. Prosecutor - ICTR-97-27-AR72 - 5 September 2000
- Prosecutor v. Simić - IT-95-9-AR108*bis* - 27 March 2001
- Prosecutor v. Jelisić - IT-95-10-A - 5 July 2001
- Kayishema v. Prosecutor - ICTR-95-1 - 19 July 2001
- Musema v. Prosecutor - ICTR-96-13-A - 16 November 2001
- Prosecutor v. Kajelijeli - ICTR-98-44A-T - 16 November 2001
- Kajelijeli v. Prosecutor - ICTR-98-44-A-A - 14 December 2001
- Prosecutor v. Krajišnik - IT-00-49&40-AR72.3 - 14 February 2002
- Rutaganda v. Prosecutor - ICTR-96-3-A - 28 June 2002
- Prosecutor v. Milošević - IT-02-54-AR73.2 - 30 September 2002
- Prosecutor v. Blagojević - IT-02-60-AR65 & IT-02-60-AR65.2 3 October 2002
- Prosecutor v. Šainović - IT-99-37-AR65 - 30 October 2002
- Prosecutor v. Kabuga - ICTR-98-44 - 22 November 2002
- Prosecutor v. Bobetko - IT-02-62-AR54*bis* & IT-02-62-AR108*bis* – 29 November 2002
- Prosecutor v. Brdjanin - IT-99-36-AR73.9 - 11 December 2002
- Prosecutor v. Nikolić - IT-94-2-AR72 - 9 January 2003
- Prosecutor v. Milutinović - IT-99-37-AR72 - 21 May 2003
- Prosecutor v. Milošević - IT-02-54-AR73.5 - 21 May 2003
- Prosecutor v. Rutaganda - ICTR-96-3-A - 26 May 2003
- Prosecutor v. Krstić - IT-98-33-A - 1 July 2003
- Prosecutor v. Hadžihasanović - IT-01-47-AR72 - 16 July 2003
- Prosecutor v. Krnojelac - IT-97-25-A - 17 September 2003
- Prosecutor v. Nyiramasukuko – ICTR-98-42-A15*bis* – 24 September 2003
- Prosecutor v. Rukundo - ICTR-2001-70-AR108 - 17 October 2003
- Prosecutor v. Milošević - IT-02-54-AR73.4 - 31 October 2003
- Prosecutor v. Milošević - IT-02-54-AR73.5 - 31 October 2003
- Prosecutor v. Milošević - IT-02-54-AR73.6 - 20 January 2004
- Prosecutor v. Vasiljević - IT-98-32-A - 25 February 2004
- Mugiraneza v. Prosecutor - ICTR-99-50-AR73 - 27 February 2004
- Prosecutor v. Brđjanin - IT-99-36-A - 19 March 2004
- Prosecutor v. Krstić - IT-98-33 - 6 April 2004
- Prosecutor v. Krstić - IT-98-33-A 19 April 2004
- Prosecutor v. Milutinović - IT-99-37-AR72.2 8 June 2004
- Prosecutor v. Halilović - IT-01-48-AR73 21 June 2004

National Honours:

- Order of Excellence (O.E.) (1988)
- Order of Roraima (O.R.) (1980)
- Cacique's Crown of Honour (C.C.H.) (1970)

## Christine Van den Wyngaert (Belgium)

**Personal data**

- Born in 1952
- Nationality: Belgian
- Professional address: International Criminal Tribunal for the Former Yugoslavia, The Hague, The Netherlands

**University degrees**

*Licenciée en droit* (Bachelor of Law), Free University of Brussels (1974, magna cum laude)

*Licenciée en criminologie* (Bachelor of Criminology), University of Brussels (1975, cum laude)

*Docteur en droit* (Ph.D. with doctoral thesis), Free University of Brussels (1979, summa cum laude) — thesis awarded with the Henri Rolin prize, 1980

Doctor *honoris causa*, University of Uppsala, Sweden (June 2001)

**Professional activities**

- Researcher, National Fund for scientific research (1974-1984). Field of research: international criminal law
- Professor of Law, University of Antwerp: Belgian criminal and criminal procedure law, international criminal law and comparative criminal (procedure) law (since 1985)
- *Visiting Fellow*, University of Cambridge (Center for European Legal Studies (1994-1996), Research Centre for International Law (1996-1997))
- *Visiting professor*, Law Faculty of the University of Stellenbosch (South Africa) (2001)

**Expertise in the United Nations system**

- Judge ad hoc, International Court of Justice (Congo/Belgium-case) (2000-2002)
- Judge *at litem*, International Tribunal for the Former Yugoslavia (elected in 2001, assigned to the Strugar Case in 2003)

**Expert for governmental and non-governmental organizations**

- Observer for the Human Rights League at the trial of Helen Passtoors at Johannesburg in 1986
- Vice-president of the *Commission belge de réforme de la procédure pénale* (Commission Franchimont) (1991-1998)

- Expert for the *International Law Association* (Committee on Terrorism (1985-1989)); civil-law reporter for the Committee on Extradition and Human Rights (1992-1998)

- Expert for the *International Association of Penal Law-Association internationale de droit pénal* (General Rapporteur for the Fourth Section (international cooperation) at the International Congress on Organized Crime, Budapest, 1999)

- Expert for the *Directorate General XX of the European Commission and for UCLAF OLAF*, participated in different studies on fraud in the European Union (e.g., *Corpus Juris pour la répression de la fraude transnationale en Europe* 1993-2000)

- General Rapporteur on "*Protection pénale des intérets financiers dans les Etats candidats à l'adhésion* (2000-2002)" (European Commission and *Académie de droit européen de Trêves*)

- Expert "Article 6 Protocol I Geneva Conventions" (list of qualified personnel) — Commission for matters of humanitarian law, Belgian federal government

**Publications**

**A. Books**

- *The Political Offence Exception to Extradition. The Delicate Problem of Balancing the Rights of the Individual and the International Public Order*, Kluwer, Deventer, 1980, 270 pages

- *La protection juridique des intérêts financiers des Communautés européennes* (editor with F. Tulkens and Y. Verougstraete), Maklu 1992

- *Comparative Criminal Procedure Systems in the European Community* (editor with Gane et al.), Butterworth, 1993, 408 pages

- *EG-fraudebestrijding in de praktijk* (editor with C. Fijnaut and L. Huybrechts), Maklu 1994

- *International Criminal Law and Procedure* (editor with J. Dugard), Dartmouth, 1996, 550 pages

- *Corpus juris: houdende strafbepalingen ter bescherming van de financiële belangen van de Europese Unie: portant dispositions pénales pour la protection des intérêts financiers de l'Union européenne* (editor) Antwerp: Intersentia, 1998, 189 pages

- *Strafrecht en het strafprocesrecht in hoofdlijnen*, Maklu, Antwerp/Apeldoorn, 2003, 1010 pages, 5th edition

- *International Criminal Law. A Collection of International and European Instruments* (editor, Kluwer International, 2000, 1500 pages, forthcoming)

## B. Articles[1]

- "La Belgique et l'exception pour délits politiques en matière d'extradition: analyse critique de la pratique judiciaire et administrative", *Rev. D. pén.*, 1979, p. 833-863.
- "Terrorisme individuel et terrorisme d'Etat: un différence d'analyse?", in *Licéité et références légales aux valeurs. Xe Journées d'études Jean Dabin*, Louvain, 1982, p. 641-657.
- "Les euromissiles et le droit pénal international", in *Les conséquences juridiques de l'installation éventuelle des missiles Cruises et Pershing en Europe*, Acta Colloquium 1-2 October 1983, Brussels, 1984, p. 109-114.
- "Les infractions graves aux Conventions de Genève et à leurs Protocoles additionnels eu égard aux règles internationales concernant la prescription des crimes de guerre et l'extradition", *Rev. D. pén. militaire D. de la guerre*, 1982, p. 451-462.
- "Coping with non-international armed conflicts: the borderline between national and international law" (with B. De Schutter), *The Georgia Journal of Int. & Comp. Law*, 1983, p. 279-290.
- "Criminal law and the European Communities: defining the issues", *Mich. Yb. Int. Legal Studies*, 1983, p. 247-270.
- "Guerilla and international humanitarian law; aspects of criminal law and human rights" in *Guerilla and humanitarian law* (Henri Dunant Series, nr. 7), p. 87-103, 1984.
- "Structure et méthodes de la coopération internationale et régionale en matière pénale. Rapport belge au XIIIe Congrès de l'Association internationale de droit pénal, le partie", *Rev. D. pén.*, 1984, p. 517-546 and *Rev. int. D. pén.*, 1984, p. 97-118.
- "The political offence exception, Defining the issues and searching for a feasible alternative", *R.B.D.I.*, 1985, p. 741-753.
- "The State v. H. Passtoors, The observer's report. A European perspective", *South African Journal of Human Rights*, 1986, p. 278-296.
- "War crimes, extradition and statutory limitations", in Bassiouni, M. C. (ed.), *International Criminal Law*, 1986, III.
- "Aviation Terrorism, Jurisdiction and its implications", in *Proceedings of the International Conference on Aviation Security*, The Hague, 1987, p. 136-153.
- "The death penalty. Military offences and international crimes", *Rev. int. D. pén.*, 1987, p. 737-748 and *Revue de droit pénal militaire et de droit pénal militaire et de droit de la guerre*, 1988.
- "Le droit pénal belge et la répression des délits internationaux: problèmes légaux surgissant de la mise en oeuvre des délits internationaux", *Rev. D. pén.*, 1988, p. 603-617.

[1] List does not include publications in Dutch, the author's mother tongue.

- "Applying the European Convention on Human Rights to extradition: opening Pandora's box?", *Int. & Comp. L. Q.*, 1990, p. 757-779.

- "Double criminality as a condition to jurisdiction" in: Jareborg, N., (ed.), Double criminality. Studies in international criminal law, Law Faculty of Uppsala University, Iustus Förlag, 1989, p. 43-56.

- "Extradition et asile politique", in Chivario, M., Gauthier, J., Stanoiu, R. en Van den Wyngaert, C., *L'extradition et l'asile politique*, Brussels, Bruylant, 1990.

- "The suppression of war crimes under Protocol I", in *Liber amicorum F. Kalshoven*, Leiden, 1991, p. 197-206.

- "Rethinking the law of international criminal cooperation: the restrictive function of international human rights by establishing individual-oriented bars", in *Principles and procedures for a transnational criminal law, Max-Planck Institute for foreign and international criminal law*, Eser, A. en Lagodny, O. (eds.), Freiburg, 1992, p. 489-503.

- "The structure of the draft code and the general part", in *Commentaries concerning the International Law Commission's Draft articles on the code of crimes against the peace and security of mankind*, Nouvelles études pénales, 1993, p. 53-61.

- "Commentaire de la loi du 16 juin 1993 relative à la repression des infractions graves du droit international humanitaire", *Rev. D. pén.*, 1994 (with A. Andries, E. David and J. Verhaegen).

- "Mutual Legal Assistance in Criminal Matters in the European Union", in *Changes in Society, Crime and Criminal Justice in Europe*, edited by Fijnaut et al., Kluwer, 1995, p. 137-179 (with G. Stessens).

- "The Compensation of Victims of Violent Crimes in Belgium", in *The Compensation of Victims of Violent Crimes*, edited by Greer, D., Max-Planck Institute, Freiburg-im-Breisgau, 1996, p. 67-96.

- "Extradition and Human Rights (part II)", *Association de droit international, Comité sur l'extradition des droits de l'homme*, Helsinki, 1996 (with J. Dugard).

- "The Criminal Justice System Facing the Challenge of Organized Crime (Section IV — International Cooperation)", *Revue internationale de droit pénal*, 1997, p. 624-636.

- "Organised Crime, Proactive Policing and International Cooperation in Criminal Matters: Who Polices the Police in a Transnational Context?", in *Undercover Policing and Accountability from an International Perspective*. Institut européen d'administration publique, 1997.

- "War Crimes, Genocide and Crimes Against Humanity: Are States Taking National Prosecutions Seriously? (jurisdiction, statutory limitations and the legality principle)", in *International Criminal Law*, vol., 3, edited by Bassiouni, M. C., Transnational publishers, 1999.

- "Les modifications quant à l'information dans *La loi du 12 mars 1998 réformant la procédure pénale*", edited by Franchimont, M., Liège, Editions de la Collection scientifique de la Faculté de droit de Liège, 1998, p. 29-56.

- "Une perspective <eurocentrique> sur la répression de la délinquance transnationale européene: le projet espace judiciaire européen et la corpus juris", in *Les systèmes comparés de justice pénale: de la diversité au rapprochement — Comparative Criminal Justice Systems: From Diversity to Rapprochement*, Toulouse, Erès, 1998, p. 443-446.

- "Strafklageverbrauch durch belgische 'transactie'", *Neue Zeitschrift für Strafrecht*, 1998, p. 153 (annotation under Bundesgerichsthof, 13 May 1997).

- "Reconciling Extradition with Human Rights", *American Journal of International Law*, 1998, p. 187-212 (with J. Dugard).

- "Lignes de force pour une réforme du droit d'extradition", in *X^e Colloque sur la réforme du droit de la procédure pénale (8-9 octobre 1998)*, Maklu, 1998, p. 171-231.

- "The Transformations of International Criminal Law as a Response to the Challenge of Organised Crime", *Revue internationale de droit pénal*, 1999.

- "The international non bis in idem Principle: Resolving some of the Unanswered Questions", *International and Comparative Law Quarterly*, 1999 (with G. Stessens).

- "*Corpus Juris*, parquet européen et juge national. Vers une chambre préliminaire européenne?", *Agon*, August 1999 and "Corpus Juris, European Public Prosecution and National Trials for Eurocrimes: Is there a Need for a European Pre-Trial Chamber?", *Agon*, November 1999.

- "Protection <PIF> et espace judiciaire européen: bilan et perspectives à l'aube du troisième millénaire", *Agon*, December 1999.

- "Corpus juris, Ministerio Fiscale Europeo y juicios nacionales para eurocrimenes: ¿es necesaria una Sala de Justicia European para la fase previa?", *Revista del Poder judicial*. 1999, p. 239-240.

- "Corpus juris, parquet européen et juge national: vers une chambre préliminaire européenne?", in De Kerchove, G. and Weyemberg, A., *Vers un espace juridiciaire pénal*, Ed. ULB, Institut d'études européennes, 2000, p. 131-139.

- "Mutual recognition and the corpus juris", in De Kerchove, G. and Weyemberg, A., *La reconnaissance mutuelle des décisions judiciaires pénales dans l'Union européenne*, Ed. ULB, Institut d'études européennes, 2001, p. 213-222

- "Non bis in idem-principle, including the Principle of Amnesty", in *The Rome Statute and the International Criminal Court*, edited by A. Cassese (with Tom Ongena) Oxford University Press, 2003.

- "Statutory limitations in the Rome Statute", in *The Rome Statute and the International Criminal Court*, edited by A. Cassese (with John Dugard), Oxford University Press, 2003.

- "The protection of the financial interests of the EU in the candidate states. Final report", in ERA-forum (scriptae juris europaei), 2001, vol. 3 (53 p.) also be to published in *Study on penal and administrative sanctions, settlement, whistle blowing and corpus juris in the candidate countries*, Europäische Rechtsakademie Trier.
- "International cooperation" to be published in *Study on penal and administrative sanctions, settlement, whistleblowing and corpus juris in the candidate countries*, Europäische Rechtsakademie Trier.
- "Jurisdiction over crimes of terrorism" in N. Keijzer (ed.), *Terrorism as a crime*, 2003.
- "Eurojust and the European Public Prosecutor" in Neil Walker (ed.), *Europe's areas of freedom, security and justice* (Oxford University Press, 2004, forthcoming).

**Volodymyr A. Vassylenko (Ukraine)**

Born in Kyiv, Ukraine, 16 January 1937.

Graduated from Kyiv State University, Faculty of Law (1959). Post-graduate studies in Public International Law (1961-1964), awarded PhD degree (1965). Post-doctoral research (1976-1977), awarded Higher Doctorate LL D (1977).

From 1978 to 1993 Professor of Public International Law at the Institute of International Relations and International Law, Kyiv State University, lecturing in Public International Law (general course), Human Rights Law and International Humanitarian Law (special courses) to students from more than 60 countries of Africa, Asia and Latin America; researching in the field of peaceful settlement of disputes, state responsibility and responsibility of individual for crimes against humankind (1964-1993).

Legal Advisor to the Ukrainian Ministry of Foreign Affairs (1972-1993) and Senior Legal Advisor to the Verkhovna Rada (Parliament) of Ukraine (1991-1993)

Participated in a number of international conferences, held under the auspices of the United Nations. Head of the Ukrainian delegation to the United Nations Conference on the Law of Treaties between States and International Organisations and between International Organisations (1986).

Representatives of Ukraine to the United Nations Commission on Human Rights (1989-1991; 1996-1998); Chairman of the Group of Three, established under the Convention on the Suppression and Punishment of the Crime of Apartheid (1990-1991); Vice-Chairman of the 47th and 52nd sessions of the UN Commission on Human Rights (1991, 1996).

Head of the Ukrainian delegation to the 45th, 46th, 47th, 52nd, 53rd and 54th Sessions of the UN Commission of Human Rights.

Representative of Ukraine to the Sixth Committee at the 46th, 48th, 50th and 51st sessions of the UN General Assembly.

Member of the Ukrainian delegation to the Commonwealth of Independent States summits in Almaaty (December 1991), Minsk (December 1991), Kyiv (April 1992).

Ambassador Extraordinary and Plenipotentiary of Ukraine to Belgium, the Netherlands and Luxembourg, as well as to the European Union and to the North Atlantic Co-operation Council (1993-1995).

Ambassador-at-Large in the Ministry of Foreign Affairs of Ukraine (1995-1998).

Ambassador Extraordinary and Plenipotentiary of Ukraine to the United Kingdom of Great Britain and Northern Ireland and (non-resident) to Ireland (1998-2002); Deputy Representative of Ukraine to the Venice Commission (2001-2002).

Currently an Ad Litem Judge of the International Criminal Tribunal for the former Yugoslavia (since 2 April 2002).

*Published Monographs:* State Responsibility for International Offenses, 1976, Kyiv; Sanctions in International Law, 1982, Kyiv; Protection Mechanisms for International Law and Order (co-author), 1986, Brno; Fundamentals of International Law, 1988, Kyiv.

*Mother tongue:* Ukrainian. *Foreign languages:* English, French, Russian, Serbian.